

A C T S
O F
A S S E M B L Y,

PASSED in the
Island of *St. Christopher;*

From 1711, to 1735, inclusive.



L O N D O N :

Printed by JOHN BASKETT, Printer to the King's Most Excellent Majesty. MDCXXXIX.

3381.7

SA3129 IF



A C T S

OF

ASSSEMBLED

PASSED in the

House of Commons

From 1711 to 1713



LONDON

Printed by JOHN BARNARD, Printer to the King, in Strand.

641-15

INDEX

TO THE

LAW S

O F

St. CHRISTOPHER'S.

	Page	Passed
A N Act for the establishing Courts, and setting due Methods for the Administration of Justice in this Island,	1	1711.
An Act for the better Government of Negroes, and other Slaves,	9	
An Act to regulate and settle the Militia of this Island, to mount the Guards, go the Rounds and petty Rounds, and do their Duty in their Turn, as shall be ordered them,	13	
An Act for selling of Strong-liquors by Retail, and taking out Licences,	17	
An Act for raising a Levy, to defray the publick Charges of this Island,	19	
An Act to prevent Trespasses between Neighbours, and to regulate the impounding of Stock,	21	
An Act requiring all Masters of Ships, and other Vessels, to give Security in the Secretary's Office,	26	
An Act for raising an Impost upon Liquors imported into this Her Majesty's Island,	26	
An Act for regulating the Vegeries,	26	

Passed		Page
1711.	<i>An Act to oblige the Members of the Council and Assembly of this Island to meet punctually and exactly at such Time and Place, when and so often as they shall be legally summoned; as also to serve, when duly elected,</i>	28
	<i>An Act for preserving the Freedom of Elections, and appointing who shall be deemed Freeholders, and be capable of electing, or being elected Representatives,</i>	30
	<i>An Act for repairing the Queen's Fortifications of Charles Fort and Brimstone-hill, and raising other Works,</i>	33
	<i>An Act for repairing Her Majesty's Highways,</i>	ibid.
	<i>An Act for subjecting that Part of this Island which was lately called the French Ground, to the Civil Government,</i>	37
1712.	<i>An Act for settling the Estates and Titles of the Inhabitants of this Island to their Possessions within the same,</i>	23
	<i>An Act for laying a Duty on Tonnage of Vessels trading to this Island, and on Sugars exported to any of the other Islands in this Government, for the Use and Supply of Her Majesty's Fortifications,</i>	37
1713.	<i>An Act for laying a Duty on Tonnage of Vessels trading to this Island, and on Sugars exported to any of the other Islands in this Government, for the Use and Supply of Her Majesty's Fortifications,</i>	ibid.
	<i>An Act for all publick Officers putting Security,</i>	ibid.
	<i>An Act to revive an Act, intituled, An Act for subjecting that Part of the Island which was lately called the French Ground, to the Civil Government,</i>	39
1714-15.	<i>An Act for raising a Levy, to defray the publick Debts of this Island,</i>	ibid.
	<i>An Act for raising an Impost upon Liquors imported into this His Majesty's Island, &c.</i>	ibid.
	<i>An Act for raising of Gunpowder and Small Arms on Tonnage of Vessels, for the Use of His Majesty's Fortifications within this Island,</i>	40
	<i>An Act for selling of Strong-liquors by Retail, and taking out Licences,</i>	ibid.
1715.	<i>An Act for the settlement of the Militia of this Island,</i>	ibid.
	<i>An Act to ascertain the Bounds of Possessions in the late French Part of this Island,</i>	ibid.
	<i>An Act for laying a Duty on Sugars exported to any of the other Islands in this Government, for the Use of His Majesty's Fortifications,</i>	ibid.
1715-16.	<i>An Act for the good governing of Servants, ordering the Rights between Masters and Servants, and to encourage the Importation of Servants,</i>	41
	<i>An additional Act to an Act, intituled, An Act to ascertain the Bounds of Possessions in the late French Part of this Island,</i>	ibid.
	<i>An Act for regulating and appointing the Fees of the several Officers and Courts in this Island,</i>	ibid.
1716.	<i>An Act to repeal a Clause in the late Common Law Act,</i>	47
	<i>An Act to explain Part of an Act, intituled, An Act for the settlement of the Militia of this Island,</i>	48
	<i>An Act to enable William Mathew Esquire, an Infant, under the Age of twenty one Years, to convey a certain Parcel of Land in the Island of St. Christopher, called Brimstone-hill, and to vest the Inheritance thereof in His Majesty, for the Use of the Fortifications of this Island; and for settling other Lands therein mentioned</i>	

of St. Christopher's.

tioned upon the said William Mathew, and his Heirs, in lieu thereof; and for the Payment of Five hundred Pounds unto the Honourable William Mathew Esquire, his Father, in Consideration of the same; and for other Considerations therein mentioned,	Page 48	1716.
An Act to prevent Danger that may happen by Fire in any of the Towns within this Island,	ibid.	
An Act for raising a Levy, to discharge the publick Debts of this Island,	ibid.	
An Act for raising a Tax on Trade, to defray the publick Charges of this Island,	49	
An Act to impower the Surveyors of the Highways to turn the Windward common Path to the Eastward of Clay-hill, in the Quarter of Basseterre,	ibid.	1717.
An Act for holding the Courts of King's-bench and Common-pleas of the Island of St. Christopher, at Sandy Point and Basseterre,	50	1718-19.
An Act for the general Quiet of the Inhabitants of the Island of St. Christopher, in their Estates and Possessions, and for avoiding of venacious Law-suits,	ibid.	
An Act for settling a Salary on William Nevill Esquire, Agent for the Island of St. Christopher, in London, during his Agency,	54	1719.
An Act for laying a Tax on Vintners, Victuallers, and Retailers of Wine, Rum, and Rum-punch, and other Strong-liquors; and for lessening the Number of Distillers in the Island of St. Christopher; and to enable the Treasurer to demand and receive all Arrearages and Debts which remain due and in arrear from Victuallers, and Retailers of Wine, and other Strong-liquors, by virtue of a former Act of this Island,	55	
An Act for raising an Impost upon Liquors imported into the Island of St. Christopher; and to enable the Treasurer to demand and receive all Arrearages and Debts which remain due and in arrear for Liquors imported into this Island, and for which any Duty was payable by virtue of a former Act of this Island, bearing Date the nineteenth Day of February, in the first Year of His Majesty's Reign,	ibid.	
An Act for raising a Tax by the Poll; and on all Slaves in this Island; and also for raising Five hundred Pounds on the Inland Trade of the same,	ibid.	1720.
An Act for giving Titles to Inhabitants building Houses upon Brimstone-hill,	56	
An Act for employing Negroes on the Fortifications of this Island; and for rendering more effectual, and explaining an Act passed this Year, intituled, An Act for raising a Tax by the Poll on all Slaves in this Island; and also for raising Five hundred Pounds on the Inland Trade of the same,	57	
An Act to repeal a certain Act of the Council and Assembly of the Island of St. Christopher, intituled, An Act for raising an Impost upon Liquors imported into the said Island; and for imposing certain Duties upon Wines, Beer, Ale, Cyder, and other Liquors hereafter to be imported into the same Island,	ibid.	1722.
An Act for laying of certain Duties upon Sugars, Molasses, and other Goods of the Groves and Manufacture of the Island of St. Christopher, to be exported out of the said Island,	61	
An Act for raising of Gunpowder, and Small Arms, upon the Tonnage of Vessels trading to and with this Island, for the Use of His Majesty's Fortifications within this Island,	62	

- Passed
 1722. *An Act for the settling the Sum of Two thousand Pounds per Annum, of current Money of the Island of St. Christopher, during the Term therein mentioned, upon his Excellency John Hart Esquire, the present Chief Governor of all His Majesty's Leeward Caribbee Islands in America, for the more honourable Support of the said Governor, and the Dignity of this His Majesty's Government,* Page 63
- An Act for the Continuance of such Part of an Act for employing Negroes on the Fortifications of this Island, and for rendering more effectual, and explaining an Act, intituled, An Act for raising a Tax by the Poll on all Slaves in this Island; as also for raising Five hundred Pounds on the Inland Trade of the same, as relates to the employing of Negroes upon the said Fortifications,* 64
- An Act to regulate the Militia of this Island,* ibid.
- An Act for the good Government of Servants, for ordering the Rights between Masters and Servants, for encouraging the Importation of Servants, for directing a due Performance of Contracts, and for Payment of Wages to Artificers, Workmen, and Labourers,* ibid.
- An Act for attainting several Negroes therein mentioned; and for the more effectual preventing Negroes from running away from their Masters Service; and for explaining and rendering more effectual an Act, intituled, An Act for the better Government of Negroes, and other Slaves,* 69
- An Act for the Relief and Release of John Sedgwick, and others, poor distressed Prisoners for Debt in the Island of St. Christopher,* 81
- 1722-3. *An Act for regulating Vestries; and for erecting into a Parish Part of the Quarter of this Island called Basseterre Quarter, by the Name of the Parish of St. George Basseterre; and for repealing an Act of this Island, intituled, An Act for regulating the Vestries, passed in the tenth Year of Her late Majesty's Reign; and for annexing other Parts of the said Quarters to the respective Parishes of St. Mary Cayon and Trinity Palmeto Point,* 74
- An Act for enjoining all Vessels, or Persons coming from Places infected with the Plague, Small-pox, or other contagious Distempers, to perform a due Quarantine; and to prevent, as much as may be, the Dangers with which this Island is at present threatened, by the Small-pox being already therein,* ibid.
1723. *An Act for the continuing and carrying on the Works of the Fortifications of Brimstone-hill and Charles Fort, and other the Fortifications of this Island, for one Year longer; and also for continuing Part of a certain Act of this Island, intituled, An Act for employing Negroes on the Fortifications of this Island; and for rendering more effectual, and explaining an Act for raising a Tax by the Poll on all Slaves in this Island; and also for raising Five hundred Pounds upon the Inland Trade of the same, for the Time in this present Act mentioned,* ibid.
- An Act to prevent the casting or unloading any Ballast or Rubbish in the Havens, Roads, or Creeks of this Island,* ibid.
- An Act to prevent the Abuses committed in the Importation of Wheat Flour, and bottled Liquors, into the Island of St. Christopher,* 82
1724. *An Act for the establishing a Court of King's-bench and Common-pleas, and for the better Advancement of Justice in the Island of St. Christopher, and for settling certain Fees; and repealing a former Act of the said Island, intituled,*

intituled, <i>An Act for establishing of Courts, and settling due Methods for the Administration of Justice,</i>	Page 84	Passed 1724.
<i>An Act for raising a Tax on Negroes, and other Slaves, and on the Island Trade of the said Island,</i>	102	
<i>An Act for settling the yearly Sum of Three hundred Pounds current Money, on the Honourable William Mathew Esquire, Lieutenant-governor of St. Christopher's, for discharging the Rent of a House for his Reception,</i>	ibid.	
<i>An Act for repealing of a certain Act of the Island of St. Christopher, intituled, An Act for settling a Salary on William Nivine Esquire, Agent for the Island of St. Christopher, in London, during his Agency,</i>	ibid.	
<i>An Act for settling a Salary on Thomas Brake Esquire, Agent for the Island of St. Christopher, in London, during his Agency,</i>	ibid.	
<i>An Act for building a Court-house, or publick Hall, Secretary's, and other Offices, at the Town of Old Road, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their respective Offices in the said Town,</i>	103	
<i>An Act for creating into a Parish Part of the Quarter of this Island, called Cabesterre Quarter, by the Name of the Parish of St. Paul Cabesterre; and for enlarging the two Parishes of St. Anne Sandy Point, and St. John Cabesterre, within the said Island,</i>	103	
<i>An Act to repeal an Act made in the eighth Year of the Reign of His Majesty King George, intituled, An Act for raising of Gunpowder, and Small Arms, upon the Tonnage of the Vessels trading to and with this Island, so far as the said Act relates to all Sloops, and other Vessels trading to this Island from the British Islands, lying to the Leeward of this Island; and to exempt the said Sloops and Vessels from the Duties and Penalties in the said Act contained,</i>	106	1725.
<i>An Act to limit the Time of an Act, intituled, An Act to regulate the Millivie of this Island,</i>	107	
<i>An Act to subject all Goods and Commodities, of the Growth and Produce of the late French Part of the Island of St. Christopher, which are or shall be shipped off from the said Island, to the Payment of the Four and a half per Cent. Duty; and to ascertain at what Places all the Duties of Four and a half per Cent. shall be received,</i>	ibid.	1727.
<i>An Act against covinous and fraudulent Conveyances; and for a publick Registry in the Island of St. Christopher,</i>	109	
<i>An Act for regulating Vestries, and creating into Parishes those Parts of this Island formerly belonging to the French; and for annexing other Parts of the said French Lands to the Parishes of St. Mary Cayon, St. John Cabesterre, St. Anne Sandy Point, and Trinity Palmeter Point: And for repealing two Acts of this Island (one made in the tenth Year of the Reign of Her late Majesty Queen Anne, and the other in the ninth Year of His late Majesty King George) for regulating Vestries in this Island; and for ascertaining the Bounds of every respective Parish in this Island,</i>	114	
<i>An Act to enable the several Parts of this Island, formerly belonging to the French, to choose and send Representatives to serve in the Assemblies of this Island; to declare and ascertain the Number of Representatives for the whole Island, what Number each Parish shall elect, and the several Qualifications of the Electors and Candidates; to secure the Freedom of Elections: And for repealing</i>		

Passed		Page
1727.	repealing an Act of this Island (dated the thirteenth Day of November, One thousand seven hundred and eleven) intituled, <i>An Act for preserving the Freedom of Elections, and appointing who shall be deemed Freeholders, and be capable of electing, or being elected Representatives,</i>	121
	<i>An Act for repealing an Act of this Island, intituled, An Act for the settling the Sum of Two thousand Pounds per Annum, of current Money of the Island of St. Christopher, during the Term therein mentioned, upon his Excellency John Hart Esquire, the present Chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of the said Governor, and the Dignity of His Majesty's Government; and for appropriating the Monies payable thereby, to his said Excellency, from the twenty fifth Day of June, One thousand seven hundred and twenty seven: And for declaring in what Specie the Duty commonly called the Three Shilling Duty, shall be hereafter paid,</i>	127
1728.	<i>An Act for laying of certain Duties upon Sugars, Molosses, and other Goods of the Growth and Manufacture of the Island of St. Christopher, to be exported out of the said Island,</i>	ibid.
	<i>An Act for the settling the Sum of Two thousand Pounds per Annum, of current Money of the Island of St. Christopher, during the Term therein mentioned, upon his Excellency the Right Honourable Thomas Earl of Londonderry, the present Chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of the said Governor, and the Dignity of this His Majesty's Government,</i>	ibid.
	<i>An Act for supplying a Defect in an Act passed in this present Tear of His Majesty's Reign, intituled, An Act for laying of certain Duties upon Sugars, Molosses, and other Goods of the Growth and Manufacture of the Island of St. Christopher, to be exported out of the said Island,</i>	128
	<i>An Act for raising a Tax on Negroes by the Poll, for and towards the erecting a Court-house, or publick Hall, and other necessary Offices in the Town of Basseterre, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their Offices there, and give a due Attendance: And for repealing an Act made in the tenth Year of the Reign of His late Majesty King George the first, intituled, An Act for building a Court-house, or publick Hall, Secretary's, and other Offices, at the Town of Old Road, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their respective Offices in the said Town,</i>	ibid.
	<i>An Act for raising a Tax on Negroes, and other Slaves within this Island, and on the Value of House-rents in the several Towns within the same, for building a Wall to complete Charles Fort, and for repairing the same Fort, and the other Fortifications, Forts, and Batteries of this Island,</i>	133
	<i>An Act for establishing a Market at the Town of Basseterre, Old Road, Sandy Point, and Deep Bay, in the Island of St. Christopher; and for regulating and ascertaining the Prices of Beef, Mutton, Veal, Pork, and Turtle,</i>	ibid.
	<i>An Act to regulate the Militia of the Island of St. Christopher,</i>	136
1731.	<i>An Act for laying a Tax on Vintners, Vintners, and Retailers of Wine, Rum, and Rum-punch, and other Strong-liquors; and for lessening the Number of Distillers; and for preventing and discouraging Vintners, Vintners, and Retailers of Wine, Rum, Rum-punch, and other Strong-liquors, from harbouring, entertaining, and concealing Sailors and Servants in the Island of St. Christopher,</i>	137 An

An Act for preventing the Importation of any Foreign Sugar, Rum, or Molasses, into the Island of St. Christopher, in any other than English built Shipping, or from any other Place than the Place of their Growth, or where the said Commodities were first shipped for Transportation, 140

Page Passed
1732.

An Act for raising a Tax on all Negroes, and other Slaves, and on Houses, Ware-houses, and Shops, and for repairing the Fortifications, Forts, and Batteries of this Island, and for erecting some new Batteries therein; and for obliging all Owners and Possessors of Slaves to send a Proportion of their said Slaves to work on the said Fortifications, for such Time as is therein mentioned: And also for explaining an Act made in the eighth Year of the Reign of His late Majesty King George the first, intituled, An Act to repeal a certain Act of the Council and Assembly of the Island of St. Christopher, intituled, An Act for raising an Impost upon Liquors imported into the said Island; and for imposing certain Duties upon Wines, Beer, Ale, Cyder, and other Liquors hereafter to be imported into the said Island, 141

ibid.

An Act for continuing the Duties of Gunpowder and Small Arms upon the Tonnage of Vessels trading to and with this Island, 141

An Act for continuing the Duties upon Wines, Beer, Ale, Cyder, and other Liquors to be imported into the Island of St. Christopher, 141

ibid.

An Act for granting to His Majesty a Duty of eight Shillings per Poll on all Negroes, and other Slaves within this Island, and also of five Pounds per Centum on the Rents of all Houses, Ware-houses, Shops, and Tenements in the several Towns within the said Island, to be applied towards the Discharge of the publick Debts; and for ascertaining and settling the Salaries of the several Officers therein mentioned, 142

142

An Act for barring and cutting off all Estates Tail, and Estates in Remainder, limited and appointed by Clement Croke Esquire, deceased, in and by his Last Will and Testament, of, in, and concerning the Lands, Tenements, and Hereditaments in the said Will mentioned; and for vesting in Estates in Fee-simple therein, in Clement Croke Esquire, his eldest Son, and Heir at Law, notwithstanding such Limitations and Appointments, 142

ibid.

An Act for encouraging Thomas Spenser, lately an Inhabitant of the Island of Barbadoes, in a new Project of hanging Copper and Stills more commodiously than hath heretofore been used, 143

143

An Act for appointing an Agent in Great Britain for the Island of St. Christopher, and for settling a Salary upon him during the Time of his Agency, 1733.

ibid.

An Act for settling and describing more clearly the Limits and Bounds of the several Parishes in this Island; And for amending an Act, intituled, An Act for regulating Vestries; and for erecting into Parishes those Parts of this Island formerly belonging to the French; and for annexing other Parts of the said French Lands to the Parishes of St. Mary Cayon, St. John Capistrano, St. Anne Sandy Point, and Trinity Palmeto Point; and in the ninth Year of His late Majesty King George, for regulating Vestries in this Island; and for ascertaining the Bounds of every respective Parish in this Island, 144

144

An Act to indenturify the Treasurer of this Island, for and on account of his paying away the publick Sugars at a lower Price than they were received at, 147

147

An Act to regulate the Militia of the Island of St. Christopher, 148

148

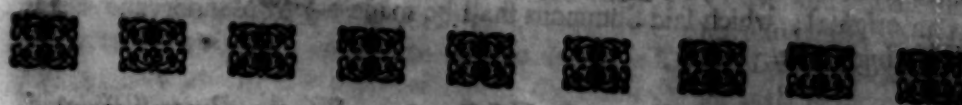
An Act for settling the Sum of One thousand two hundred Pounds, for one Year, to be computed from the Twenty fifth Day of December last past, 1733-4

1733-4

Passed		Page
1733-4	and after the Expiration of the said Year, the Sum of Eight hundred Pounds current Money per Annum, upon his Excellency William Mathew, Chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of him, and of the Dignity of His Majesty's Government, during the Term therein mentioned,	154
	An Act for raising an annual Sum of Eight hundred Pounds current Money, by a Duty or Tax of Fourteen Pence per Poll on all Negroes, and other Slaves within this Island: And the further Sum of Four hundred Pounds of like current Money, by an additional Duty or Tax of Seven Pence per Poll on the said Negroes, and other Slaves, for one Year, to be computed from the Twenty fifth Day of December last past, to be applied to the several Uses and Purposes herein declared and appointed,	155
	An Act to oblige all Owners, Renters, or Possessors of Slaves, to send a Proportion of their said Slaves to work on the Fortifications of this Island,	ibid.
	An Act for giving an Estate of Inheritance in Fee-simple to such of the Inhabitants of this Island as have built, or shall build Houses within the several Fortifications of Brimstone-hill, Charles Fort, and Fort Londonderry,	ibid.
	An Act for reducing the Fee of Three Shillings per Sheet taken by the Secretary as Clerk in Chancery, for the Copies of Bills and Answers in the said Court, filed in the Secretary's Office, and for appointing a more reasonable Fee in the room thereof,	157
	An Act for obliging the Church-wardens and Vestrymen of the Parish of St. George Basseterre to keep Watch in the Town of Basseterre, and Irish Town, by Night; and for preventing Robberies, and other Disorders that are frequently committed therein,	158
1734.	An Act for continuing an Act, intituled, An Act to oblige all Owners, Renters, or Possessors of Slaves, to send a Proportion of their said Slaves to work on the Fortifications of this Island,	ibid.
1735.	An Act to oblige all Persons, Negroes, or other Slaves, hawking and retailing Wares and Merchandizes through the several Plantations or Parishes of this Island, to take out Licences for doing the same: And for preventing the Sale of Goods, Wares, and Merchandizes by Way of Lottery, and Lotteries for Money,	159
	An Act for the better regulating of Seamen and Sailors, and obliging all Masters of Ships and other Vessels to take care of their sick Seamen or Sailors,	161
	An Act for granting to His Majesty a Duty of Five Shillings and six Pence per Poll on all Negroes, and other Slaves within this Island; and also Five Pounds per Cent. on the Rent of all Houses, Ware-houses, Shops, and Tenements in the several Towns within this Island,	163
	An Act to enable the Publick of this Island to cut Turf and Sod out of the Lands adjoining to Fort Londonderry, for repairing and finishing the Fortifications and Works of the said Fort,	ibid.
	An Act for the reviving of an Act, intituled, An Act to oblige all Owners, Renters, or Possessors of Slaves, to send a Proportion of their said Slaves to work on the Fortifications of this Island,	ibid.



THE L A W S O F St. CHRISTOPHER'S.



* *An Act for the establishing Courts; and setting due Methods for the Administration of Justice in this Island.* 1711.



ORASMUCH as nothing can tend more to the Encouragement of Trade, or more effectually promote, in all Respects, the Prosperity and Reputation of this Island, than the Establishment of such Courts, where Justice may be steadily and constantly administered: We therefore, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas Esquire*, Governor in Chief, and over all Your Majesty's Leeward Caribbee Islands in America, the Lieutenant-governor, Council, and Assembly of this Island, pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted, That in this Island of

* This Act was repealed by an Act passed in 1724; but several Objections arising to that Act, it was not confirmed, but ordered to lie by; therefore both Acts are printed. *Vide Statute in 1724*

B

St.

1711.

A Court to be held by a Chief Justice and 4 Assistants.

St. Christopher's shall be held a Court, which shall consist of a Chief Justice, and four other Justices Assistants, to be commissioned from Time to Time by the Commander in chief of these Islands; which Justices so appointed, or any three or more of them, shall, and are hereby authorized to hear, try, and determine in the said Court all Causes, Suits, and Prosecutions, to be commenced or now depending in this said Island, with full and ample Power and Jurisdiction, according to the Laws and Custom of *England*, and according to the Laws and Customs of this Island, having first taken the Oaths appointed by an Act of Parliament made in the first Year of the Reign of Her present Majesty, together with this subsequent Oath; viz.

Their Oath.

YOU, A. B. do swear upon the Holy Evangelist, That you will not deny or delay Justice to any Person; but with your utmost Diligence will perform the Office of Chief Justice or Judge; and to the best of your Skill will give Judgement, in all Matters by you to be determined, without Interest, Prejudice, or Affection. So help you God.

Which Oath shall be administered to the Chief Justice by the Council of this Island, and to all or any of the Justices Assistants, either by the Council, or the Chief Justice himself on the Bench.

Places and times of holding the said Courts.

II. AND it is hereby further enacted by the Authority aforesaid, That the said Courts shall be held alternately at the Leeward and Windward Divisions of this Island on the second *Tuesday* of the several Months of *March, April, May, June, July, and August*, and so to continue, or be adjourned, according to the Discretion of the said Judges. Provided always, That all Adjournments shall be appointed to be held at the same Court-house, and within ten Days after such Adjournment made.

ACTIONS to be entered ten Days before the Court.

III. AND for the more regular Proceedings of the said Courts, be it further enacted by the Authority aforesaid, That all Entries of Actions in the Secretary's Office shall be at least ten Days before the holding of each respective Court, exclusive of the Court-day; that in Actions of Accounts, Bonds, Bills, and *Assumpsits*, the Plaintiff shall be obliged to give the Defendant, or his Attorney, a Copy of his Account, or Charges, within three Days at least after the Entering-days are over; and in all the aforesaid Actions there shall be no Declaration at all, but that a Summons for the Defendant's Appearance, issued forth by the Chief Justice, or, in case of his Death, Sicknes, or Absence from this Island, by the next Justice in Commission, shall be as effectual as an original; which said Summons shall be made out in Manner and Form following; viz.

Defendant to be summoned to appear.

ANNE, by the Grace of GOD, &c. To the Provost-marshal, greeting.

The Summons.

WE command you to summon A. B. to be and appear at Our next Court of Queen's-bench and Common-pleas to be held for this Island, the Day of next, at then and there to answer C. D. in an Action of Hereof let him not fail, at his Peril.
Witness E. F. Our Chief Justice of Our said Court, the Day of in the Year of Our Reign.

That the Defendant, or his Attorney, must be summoned full six Days before the sitting of the Court.

In Actions of Slander, &c.

IV. AND in all Actions of Slander, Ejectment, Dower, Covenant, Replevin, Detinue, Waste, and Actions of Trespas, shall be served with a Copy of the Plaintiff's Declaration at the same Time; that in case the Summoner, whether

whether Coroner, Marshal, or Marshal's Deputy, cannot find the Defendant, or his Attorney, a Note left at their usual Abode, mentioning the Plaintiff's and Defendant's Names, and the Day and Place where the Court is to be held, shall be as effective as a personal Summons.

V. THAT if a Defendant that is absent from this Island, having made no Attorney, hath Effects upon the Island, such Effects shall be as liable to the Plaintiff's Suit, if the Contract was made in this Island, as if the Defendant had appeared; and in such case, one Summons left at the Defendant's last Place of Abode, and another nailed up at the Court-house Door, shall be deemed sufficient Service; but if the Defendant that is so absent, having left no Attorney, hath a Freehold, then shall one Summons be upon his Freehold, and another nailed up at the Court-house Door.

VI. AND be it further enacted by the Authority aforesaid, That if Default be made by the Defendant at the second Court, Judgement shall be given against him, as by *Nilil dicit*. Provided always, That no Executions upon Judgement entered upon a *Nilil dicit*, where the Defendant is known to be absent from the Island, shall issue until the next ensuing Court; any thing in this Act mentioned to the contrary thereof notwithstanding. And if at the Court the Defendant, or his Attorney, shall make it appear to the Court, that he was really absent from the Island, but that he hath good Matter to plead in discharge of the said Action, either by Payment, or otherwise, that then the Defendant shall be admitted to such Remedy, the same to try; but if no such Matter clearly appear to the Court, then Execution to issue immediately: And that in all Judgements by Default, on the Plaintiff's making out his Cause of Account to the Court by lawful Evidence, the Court shall adjust the Debt or Damages with Costs, as if a Writ of Enquiry had been thereupon executed.

VII. PROVIDED nevertheless, That if Judgement by Default shall be given against a Defendant that is actually absent from this Island, and hath left or made no Attorney; the Plaintiff shall give such Security as the Court shall think fit, to refund, if the Defendant or his Attorney shall, within two Years from the Date of the Judgement, make it appear that there was not so much due as the Judgment was given for.

VIII. PROVIDED likewise, That if such Defendant be an Infant, imprisoned, *Non compos mentis*, or in *Europe*, in such cases no such Person shall be barred; but the Infant may at any Time, by his Guardian, or within one Year after his own coming to the Age of Twenty one Years, and such other Person may, within one Year after his Liberty from Imprisonment, his coming to sound Memory, or his returning to this Island, have Liberty, by themselves or Attornies, to commence his or their Suit for all such Judgements so obtained; any Law, Usage, or Custom to the contrary notwithstanding.

IX. AND be it further enacted by the Authority aforesaid, That upon every Joinder in Demurrer the Judges may appoint a Day to hear it argued, not exceeding fourteen Days from the Day of such Joinder; and that all issuable Pleas, to avoid unnecessary Delays, shall be tried, if conveniently they may, the same Court they are pleaded; but the Judges however may, upon reasonable cause, adjourn any Plea to the next Court, and no longer: That upon any special Plea or Demurrer, the Plaintiff be obliged to file his Replication or Rejoinder seven Days at least before the sitting of the next Court; that if the Defendant pleads specially, he shall file such Plea twelve Days, inclusive, before the sitting of the second Court, or else be obliged to plead the general Issue; and that immediately after Judgement, at the Request of him, for whom it was given, or his Attorney, the Chief Justice, or in case of his Sickness or Absence from the Island, the next Justice named in the Commission, shall grant Execution in Manner and Form following:

1711.
Declaration to be delivered.
Defendant's Effects liable, if the Contract was made in the Island.

Judgement to be given upon Default at the second Court.

Provided

Clause in favour of Infants, &c.

Plaintiff to file his Replication 7 Days before the next Court.

1711.

St. CHRISTOPHER'S.

ANNE, &c. To Our Provost-marshal of Our Island aforesaid, or to his lawful Deputy, greeting.

Form of an
Execution.

WHEREAS at Our Court of Queen's-bench and Common-pleas, held at
Judgement was obtained against
at the Suit of for These are therefore to
command you to levy on the Goods and Chattels, Lands and Tenements of the said
to satisfy the said Debt and Costs; that is to say, First on
Tobacco, Cotton, Ginger, Indigo, Sugar, or any other Goods or Merchandizes of
the Growth and Manufacture of this Island, or other Merchandizes; and on your
finding no such Goods, to levy the said Debt, &c. then upon the Household-goods
and Furniture of said Houses; for want of which, to
levy the said Debt, &c. upon the Cattle, Horses, Asses, Mules, and other Plan-
tation-utenfils; for want of which, you are to levy the same on said
Slaves; and on your finding no such Slaves, Goods, and Chattels, you
are to levy the same by the Sale of said Lands and
Tenements; all which Sales or Levies shall be made by Appraisement or publick
Outcry, as the said Defendant shall think fitting; and finding no such Goods and
Chattels, Lands or Tenements, then you are hereby commanded to attack the Body
of the said and him in safe Custody to keep until the said
Debts, &c. with Costs, shall be satisfied; and that you have this Writ duly exe-
cuted at Our next Court of Queen's-bench and Common-pleas to be held for this
Island at the Day of
Witness Chief Judge of Our said Court, this
Day of in the Year of Our Lord and in the
Year of Our Reign.

Proviso.

X. PROVIDED nevertheless, That no Writ of Execution shall issue forth or be served between the last Day of the Month of August, and the first Day of the Month of March, in each respective Year.

In what Cases
the Method
of Extents
may be put
in practice.

XI. AND whereas the foregoing Form of Execution does allow Lands and Tenements, for want of other personal Estate, to be levied and sold, in regard the way used in England, by Extent upon Lands for the Satisfaction of Creditors, can very rarely be well practised here, by reason of the tedious and slow Proceedings therein, to the Discouragement of Trade, and the great Disbursements the Plaintiff must commonly be at in stocking the Lands delivered to him, before he can reap Satisfaction: To the Intent however that the Defendant may be allowed all reasonable Means for reserving his Inheritance, it is declared and enacted by the Authority aforesaid, That where Judgement shall at any Time be had against a Defendant, whose Lands or Tenements are or can be set and let out at such a yearly Rent, as will in a Time certain, not exceeding five Years, satisfy and pay the Plaintiff his full Debt and Costs, and five per Cent. Interest for such Part as shall still remain unpaid; in such case the Law and Method of Extents in England shall be of full force, and put in Practice here. Provided always, That the Plaintiff shall not be obliged to take such Lands at a reasonable Extent; but where Lands are not already let out before Judgement obtained, then it shall lie upon the Defendant to find a Tenant within thirty Days after Judgement obtained, who will answer the aforesaid Intent and Design of this Act.

XII. AND

XII. AND be it further enacted by the Authority aforesaid, That where a Jury Action shall be depending, and a Verdict given, each and every of the said Jurymen being upon the said Jury, and before the Verdict be delivered, shall receive from the Marshal the Sum of one Shilling and six Pence, to be paid out of his Fees. 1711.
Juryman's Fee.

XIII. AND be it further enacted by the Authority aforesaid, That it shall be in the Power of the Judges in Court, when they shall perceive that in all Probability the Defendant hath no Effects, or not sufficient to satisfy the Debt, with Costs, to grant a *Capias ad satisfaciendum* immediately upon the Judgement. A Capias, &c. to be granted upon Judgement, if Defendant has not Effects.

XIV. AND be it further enacted by the Authority aforesaid, That if those Things that are taken in Execution, suffer an Appraisement, the Appraiser's Oath shall be administred by the Judge who signed the Execution, or, in his Absence, by the next in Commission; which Oath shall run thus:

YOU, A. B. swear upon the Holy Evangelist, That you will appraise the Goods, &c. to be shewn you, without Partiality. Appraiser's Oath.
So help you God.

That if Goods, Chattels, Lands, or Tenements be taken in Execution, the Marshal, or other lawful Seizer, shall immediately put up a Publication for Appraisement of the same, or Sale by publick Outcry; if for Valuation or Sale of Lands, at the End of eighty Days; if for Negroes, at the End of twenty eight Days; if for Cattle, Plantation-utenfils, or any other Goods or Chattels, at the End of ten Days; which if appraised, shall be by four, two of which shall be Planters, and the other two, Merchants or Tradesmen, by Warrant from the Chief Justice, or, in his Absence, by the next in Commission; and if any Appraiser shall refuse to act after such Warrant served on them, he shall forfeit the Sum of Five Pounds current Money; to be levied, recovered, and applied, as in this Act hereafter expressed.

XV. PROVIDED nevertheless, That if Security be given to the Marshal, or other lawful Seizer, in double the Value of the Judgement or Sum mentioned in the Execution, all Persons, whose Lands, Negroes, or Goods, or the like, shall be seized thereby, shall have the Allowance of the Times aforesaid for redemption thereof; and the said Lands, Negroes, or Goods so taken, shall remain in the Custody, and to the Use of the Party or Parties, in whose Hands they were seized, till the Days of Redemption are expired; any thing in this Act, or any other Law of this Island to the contrary notwithstanding. Proviso

XVI. AND be it further enacted by the Authority aforesaid, That if the Marshal, or other Officer impowered to seize and sell, as aforesaid, shall refuse to sign and seal a Bill of Sale, according to such Estate as is found to be in the Defendant, to the Plaintiff, or other Purchaser, he shall forfeit double the Value of the Things appraised or sold; to be levied, recovered, and applied, as in this Act is hereafter expressed: That such Bills, or Deeds of Sale, which the Marshal is obliged to sign and seal, being filed, either of Lands and Tenements, or Negroes, Goods, and Chattels, in the Secretary's Office, shall be valid to the Plaintiff, his Heirs and Assigns, against the Defendant, and all others claiming from, by, or under him, by any Deed or other Conveyance, subsequent to the Judgement whereon such Sale is founded: That the Overplus, upon Appraisement or Outcry, if there be any, shall be returned to the Defendant within ten Days after Appraisement or Outcry; and that the Defendant be at the whole Charge of levying the Execution: And if Sugar, Cotton, Indigo, Tobacco, Ginger, or other heavy Merchandize, be taken in Execution in the Country, the Defendant shall be required, at his own Charge, to carry the same to the nearest Town, against the Day of Sale or Appraisement; which if he shall neglect or refuse to do, the Marshal, or his Deputy, is hereby authorized and required to hire Cattle or other Carriage for that Purpose, Penalty on Marshal refusing to sign a Bill of Sale, &c.

1711.

Depositions
when to be
taken.

Purpose, and place its reasonable Costs to the Defendant's Account; all which Charges shall be adjusted by the Chief Judge, or, in case of his Sickness or Absence, by the next in Commission.

XVII. AND be it enacted by the Authority aforesaid, That the Depositions of Persons, whose Absence may probably be occasioned by Sickness, or being bound off this Island, shall be esteemed in all Civil Actions as good Evidence, in case they are taken by either Judge of the Court, with two Days notice to the Party, or his Attorney, against whom the Deposition is made: And that all Persons having Actions brought against them, and be thereupon acquitted by Verdict, shall have the same Costs of Suit, as if Judgement had been given against the Plaintiff by a Verdict which acquitted all the Defendants.

Jury to be
summoned six
Days before
the sitting of
the Court.

XVIII. BE it further enacted by the Authority aforesaid, That six Days before the sitting of each Court, *Venire facias*, signed by the first commissioned Judge, shall issue forth, to summon good and sufficient Men to appear and serve as Jurymen; and in case any Person returned to be a Juror, shall not appear at the Time of Trial, or after Appearance shall withdraw himself from the said Service without lawful Excuse, to be allowed by the Court, every such Person shall forfeit the Sum of Two Pounds current Money; and in case enough do not appear to make up a Jury, a tale of the standers by shall be returned by the Marshal, either of whom refusing to serve, shall forfeit the like Sum of Two Pounds.

When the
Court may
determine
Causes with-
out a Jury.

XIX. AND be it further enacted by the Authority aforesaid, That this Court shall have Power to hear and determine, without a Jury, all manner of Actions, not demanding Debt or Damages, above the Value of six Pounds current Money, or one thousand Pounds of Sugar; and likewise all Cases relating to Servants Wages, or Debts due to Artificers, for Work done, not exceeding two thousand Pounds of Sugar, or twelve Pounds current Money.

Penalty on
Persons pra-
ctising the
Law before
admitted.

XX. AND be it enacted by the Authority aforesaid, That if any Person shall presume to plead or practise Law in the said Courts, or give Advice in any Law Affairs whatsoever, for Fees, Presents, or Rewards, until he first qualify himself, by taking the several Oaths and Test appointed by Act of Parliament, together with this following Oath, and be regularly admitted by the said Court, he shall forfeit the Sum of Fifty Pounds current Money; half which shall be to Her Majesty, Her Heirs and Successors, towards defraying the publick Charges of this Island, and the other Half to the Informer; to be recovered as in all Actions, *Qui tam pro Domina Regina, quam pro seipso*, &c. and that the Oaths to be taken shall be administered either by the Governor in chief, Lieutenant-governor, or President of the Council in Council, or by the Chief Justice in Court; which Oath shall be given in these Words, viz.

Lawyer's
Oath.

YOU, A. B. do swear upon the Holy Evangelist of Almighty God, to do no Falshood, nor consent to any to be done in this Court; and if you know of any to be done, to give Notice thereof to the Judge and his Assistants, that it may be reformed: To delay no Man for Lucre or Malice: To plead no Foreign Plea; nor sue Foreign Suits unlawfully, to hurt any Man; but such as stand with the Order of Law, and your own Conscience: Not wittingly or willingly to sue, cause, or procure to be sued any false Cause or Suit, or give Aid or Consent to the same, upon pain of being expelled this Court for ever; and further to demean yourself in the Office of Attorney within this Court, according to your Learning and Discretion.
So help you God.

A Certificate of the taking all the said Oaths and Test must be first filed in the Secretary's Office, before any Person shall be reckoned and esteemed duly qualified and admitted.

XXI. AND whereas infinite Causes are lost or delayed for want of good and orderly pleading, and the honest Trader or Planter must be at very great Disad-

Disadvantage to declare his Right, who is not acquainted with the Methods or Practice of the Law, should a Lawyer be admitted to plead against him, to take Exceptions against the Form or Manner of his pleading: To obviate therefore the Mischiefs that may arise thereby, it is enacted by the Authority aforesaid, That no Lawyer shall argue in Court for Plaintiff or Defendant, where another cannot be had in this Island on the other Part; any Law or Custom to the contrary notwithstanding.

1711.

Not to plead in any Cause where another cannot be had.

XXII. AND if there be but two Lawyers, and both shall be retained by one Party, the Court shall assign one of them, upon reasonable Request made to them, to the other Party; and the Council so assigned, shall return the Fee he received from his first Client, and accept the usual Fee from the Person to whom he is assigned, and whose Cause he shall plead, having respect to his Oath.

Where there are but two, Court may assign one to each Party.

XXIII. AND be it further enacted by the Authority aforesaid, That no Secretary, or Clerk of the Courts, by himself or Deputy, shall enter the Declarations, Pleas, or Proceedings of the Courts, otherwise than in bound Books, for that Purpose to be provided, and to be entered in Words at length, on Penalty of One Hundred Pounds current Money; and the Secretary's or Clerk's Fees for such Entries shall be paid by the Plaintiff, and allowed in Costs; and that all Writs of *Scire facias* shall be served at least four Days before the sitting of each respective Court.

Clerk to enter Proceedings in bound Books, &c.

XXIV. AND be it further enacted by the Authority aforesaid, That all Contempt and Misbehaviour of any Person in open Court, by demeaning himself rudely, insolently, or giving unhandsome and provoking Language in the hearing of the Court; and all extraordinary Neglects, or other Offences of Coroner's, Marshal's, Marshal's Deputy, Clerks, or other Officers of the Court in their several Offices, shall be punished by fine, at the Discretion of the Court; and that all the Fines to be imposed in Pursuance of this Act, as likewise all Fees belonging to any of the Officers of the several Courts, be levied and recovered by Attachment, to be signed by the first Judge upon the Bench, without any other Suit, Estreatment, or Prosecution whatsoever.

Penalty on Misbehaviour in Court.

XXV. AND be it further enacted by the Authority aforesaid, That all Titles by Ejectment may be brought to trial in feigned Names; and that all Writs of *Habere facias Possessionem*, be executed as usually in England; any thing in this Law, or any other Law of this Island to the contrary notwithstanding.

Titles by Ejectment may be tried in feigned Names, &c.

XXVI. AND be it further enacted by the Authority aforesaid, That every Marshal's Deputy, or Clerk of the Court, that shall presume to officiate, plead, or advise, as a Counsellor or Attorney at Law, shall forfeit Fifty Pounds current Money; to be levied by Attachment, as aforesaid.

Penalty on Clerk, &c. practising the Law.

XXVII. AND be it further enacted by the Authority aforesaid, That no Person, who is Owner either of fifteen Acres of Lands, or of ten Slaves, or of a House in Town worth ten Pounds by the Year, shall be liable to a *Capias ad respondendum*; but in all Actions brought against them shall be obliged to answer by Summons; and that all other Persons stand and be liable to a *Capias*; and that all those who, to prevent the Suit, shall send their Slaves or other Effects off the Island, and by such Exportation give the Chief Justice Occasion to mistrust it is done with Design to defraud his Creditor, stand and are liable immediately to an Arrest of Body.

Persons liable to Arrest.

XXVIII. AND forasmuch as by the constant Usages of this Island no Writs of Error, or Appeals in the nature of Writs of Error, have been allowed issuable or determinable, unless where the original Cause of Action amounted to the Value of three hundred Pounds current Money: And forasmuch as the Governor in chief doth often happen to be absent from this Island, whereby those that are justly intitled to Writs of Error or Appeals, may lose the Advantage of such Relief: Be it therefore enacted by the Authority aforesaid, That

1711.

Clause to regulate Writs of Error.

That the chief Governor shall at all Times be humbly requested to substitute and appoint the Lieutenant-governor, or President of the Council for the Time being, to receive and hear Appeals and Writs of Error, in case of his Absence from this Island; and that all Writs of Error to reverse any Judgement given by the said Court, shall be granted and signed by the chief Governor, or, in his Absence from this Island, by the Lieutenant-governor, or President of the Council for the Time being, so substituted by the chief Governor, as aforesaid; either of whom, with four or more of the Council, are hereby authorized and empowered to hear, try, and determine all Errors or Appeals from this Court, in all Causes exceeding the Sum or Value of one hundred Pounds current Money of this Island; and in all such Causes exceeding the Sum or Value of five hundred Pounds *Sterling*, the Party may, if he remain still unsatisfied with the Judgement of the Governor and Council, appeal further to Her Majesty, and Her Privy Council, according to the Liberty and Directions given by Her Most Sacred Majesty, in Her Instructions to Her chief Governor; and that Errors be assigned, before the granting such Writs; and that all Appeals in the nature of Writs of Error, be granted, upon reasonable Request, by the said Court of *Queen's-bench*, &c. and that instead of a *Certiorari*, a Warrant from the chief Justice, or, in his Absence, by the next in Commission (upon the Plaintiff in Error, giving in Security in double the Value) shall oblige the Clerk of the Courts to return a Transcript of the Record before the Judges in Error aforesaid; and that Judgement be given upon the Errors or Appeals within one Month after the Assignment of the Errors, and Certification of such Records.

XXIX. AND be it further enacted by the Authority aforesaid, That the said Judges of Errors shall, before they proceed to hear and determine any Errors or Appeals, so to be brought before them, take the following Oath; which they, or either of them, are hereby authorized to administer to one another; viz.

Judges Oath.

YOU, A. B. do swear upon the Holy Evangelist, That in all Errors or Appeals to be now brought before you, you will not deny or delay Justice to either Party; but to the best of your Skill give Judgement thereupon.

Security to be given in double the Value.

XXX. AND it is also declared and enacted, That Security in double the Judgement shall be given upon Writs of Error and Appeals in all other Actions as well as Debt; any Use or Statute to the contrary in any otherwise notwithstanding.

Penalties how to be applied.

XXXI. AND be it further enacted by the Authority aforesaid, That all the Fines, Forfeitures, and Penalties arising by virtue of this Act, and not particularly therein expressed how they are to be applied, shall be put to the Uses following; that is to say, the one Moiety shall go towards the defraying the contingent Charges of the respective Courts, in which they were imposed or forfeited; and the other Moiety toward the building, repairing, and maintaining of Prisons; to be lodged in the Hands of the Treasurer, for the Uses aforesaid.

An

1711.

An Act for the better Government of Negroes, and other Slaves.

WHEREAS the Behaviour of Negroes, and other Slaves on this Island, has of late, and particularly since the War, been more insolent, and their Villanies more frequent and notorious, than ever heretofore: Therefore, for their better Government for the future, We, Your Majesty's most dutiful and loyal Subjects, the Governor in chief of all Your Majesty's Leeward Caribbee Islands in *America*, the Lieutenant-governor, and Council of St. *Christopher's*, together with the Assembly of the same, humbly pray Your Most Excellent Majesty that it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Day of the Date of this Act, it shall and may be lawful for any Justice of the Peace of this Island, upon Complaint made to him of any Felony, or other Crime committed by any Negro, or other Slaves whatsoever, on this Island, to issue out his Warrant for apprehending of the Offender or Offenders, and him or them, within the Term of three Days after his or their being in Custody, taking to his Assistance one other Justice of the Peace, near the Place where the Offence shall be committed, without a Jury, to hear, examine, try, award, and appoint Pains, Penalties, and inflict, or cause Execution to be done, as to Life or Limb, or other Punishment, by Warrant under their Hands and Seals, in which they are to regulate themselves to the known Laws and Practice of the Courts in *England*, in all Criminal Cases; any Statute, Law, or Usage to the contrary notwithstanding.

Justices to try Negroes without a Jury.

II. AND be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever do, by Force or Persuasion, carry off from this Island any Negro, or other Slave, other than his own, or such as he or they may be lawfully interested in, or possessed of, he shall be guilty of Felony, and be debarred the Benefit of Clergy.

Carrying off other Persons Negroes, Felony.

III. AND be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall presume, by themselves, or others under him or them, to trade, traffick, or deal with any Negro, or other Slaves, for Sugar, Syrrup, Molosses, Indigo, Tobacco, Ginger, Cotton, Copper, Brasse, Pewter, or any other Goods, Merchandize, or any Stock or Poultry whatsoever, without the Knowledge or Consent of the said Master or Owner of such Negro, or other Slave or Slaves, signified by a Note in writing, or by sending some white Person with the said Negro, or other Slave or Slaves, upon Complaint made to the next Justice of the Peace, the Person or Persons so offending, shall be bound to his or their Behaviour, and to appear at the next Quarter-sessions of the Peace to be held for this Island, and there be fined, as the Court shall think fit, not exceeding twenty Pounds, or double the Value of the Goods so clandestinely bought.

Penalty on dealing with Negroes.

IV. AND be it further enacted by the Authority aforesaid, That if any Negro, or other Slave, oppose, struggle with, or strike any white Person whatsoever, upon Complaint made to the next Justice of the Peace, the said Negro, or other Slave, so offending, shall be publicly whipt by the Constable of that Division, or some other Person which the said Justice shall appoint to do the same, at the Discretion of the said Justice; but in case such white Person be hurt, wounded, bruised, or maimed by such Negro, or other Slave, then, and in such case, the Negro, or other Slave, shall be sentenced and adjudged to Death, dismembering, or such other Punishment as two Justices, in their Discretion, shall think fit.

Punishment of a Negro striking or wounding a white Person.

D

V. AND

1711.

Penalty on
harbouring
run-away
Slaves.

If the Owners
be not known,
Slaves to be
committed to
the Custody
of the Mar-
shal.

Penalty on
Marshal suf-
fering them
to escape.

Proviso

Persons not
liable to any
Prosecution
for killing a
Negro in their
own Defence,
&c.

V. AND for the better preventing of running away of Negroes, and other Slaves, as also to hinder and obstruct evil-minded People from entertaining them; be it further enacted by the Authority aforesaid, That what Person or Persons soever shall, for the future, harbour or entertain any Negro, or other Slave, other than his own (being run away above twenty four Hours) and not give the Owner, if to him known, an Account of such Negro, or Slave, being in his Custody, shall pay unto the Owner of such Slave, if a common field Negro, twelve Shillings; if a Tradesman, twenty Shillings, for each twenty four Hours after the first Hour of such run-away Negro, or other Slave, being in his, her, or their Custody; but if the Master shall not be known, then the Party, in whose Custody such run-away Negro, or Slave, shall be, shall carry him or them to the Provost-marshal of the Island, or his lawful Deputy for the Time being, who is hereby obliged to receive him or them into his Custody, and pay the bringer twelve Shillings for taking up each such run-away Negro, or other Slave; and nine Pence *per* Mile, for as many Miles as each such Negro, or other Slave, is brought to the Gaol, from the Place where he or they were taken; and the Marshal is to keep the said Negro, or other Slave, so run away, in safe Custody, and by a List (to be set up at the Prison Door, or some other publick Place) insert the Names of such Negroes, or other Slaves, that are in his Custody, their Age, and other Marks, as also their Masters Names, if known; and if the Marshal, or his Deputy, shall refuse to pay the bringers aforesaid, or receive the Negro, or other Slaves, or neglect to put their Names in the List, he or they shall forfeit and pay for every such Offence the Sum of Six Pounds current Money.

VI. AND in case the said Marshal, or his Deputy, shall neglectfully, or willingly suffer such Negro, or other Slaves, to escape, or shall put them to work, he shall forfeit and pay to the Owner, for every twenty four Hours absence of such Negro, or other Slave, who hath escaped by the said Marshal's Negligence or Wilfulness, the Sum of Twenty Shillings current Money: And in case any Negroes, or other Slaves, perish for want of Provisions, he shall forfeit and pay unto the Owner of such Slave Fifty Pounds current Money.

VII. PROVIDED always, That the said Marshal shall, upon Delivery of any Negro, or other Slave, to their respective Master or Owner, receive from him or them the twelve Shillings paid for taking each Negro, or other Slaves, and the nine Pence *per* Mile; and for every twenty four Hours he or they have been in his Custody, shall receive twelve Pence: And if any Negro, or other Slave, shall happen to lie so long in Prison as three Months, such Negro, or other Slave or Slaves, are to be taken out of Prison, and sold at publick Outcry, for the Fees and Charges aforesaid, by Warrant under the Hands and Seals of two Justices of the Peace; and the Overplus, if any, after the Payment aforesaid, to the Owners, if known, otherwise to the Treasurer for the Time being, for the Use of the Publick, till the Owner shall appear, to whom the Treasurer shall be obliged to account, and pay what remains in his Hands, all necessary Charges being first deducted; and the Marshal, or his lawful Deputy, is hereby enjoined to give notice to one or more Justices, when the Term of three Months is expired, for each such Negro, or other Slave, or forfeit and pay for each and every such Neglect the Sum of Four Pounds current Money.

VIII. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall kill a Negro, or other Slave, in just Defence of his Person or Property, or in his Pursuit of such Negro, or other Slave, being run away, or broke out of Prison, and resisting or refusing to submit; such Person or Persons shall not be liable to any Prosecution, Molestation, or Damage whatsoever, either in Law or Equity; any Law, Usage, or Custom to the contrary notwithstanding.

IX. AND

IX. AND be it further enacted by the Authority aforesaid, That from and after the Publication of this Act, whensoever any Negro, or other Slave, shall be taken and condemned for any Crime, Offence, or Misdemeanour by him or them committed, that before Execution do pass upon them, any or either of them, that they shall be valued and appraised by two neighbouring Freeholders, by Warrant under the Hands and Seals of the two next Justices of the Peace; which said Appraisers are hereby directed not to value or estimate any such Negro, or other Slave, of what Quality, Condition, Age, Circumstance, or Estate soever he, or she, or they be, for more than the Sum of five thousand Pounds of Sugar for each and every Slave executed; but in case of Disability, as Lameness, by having but one Limb, or being otherwise incapable of Service, then the said Estimation or Valuation to be less, according to the Conscience, best Skill and Judgement of the said Appraisers, upon their Oaths, to be given before the next Magistrate, before their Return of their Report.

1711.
Condemned
Slaves to be
appraised.

X. AND because it seems just and reasonable, that an equal and fair Distribution should be made by and between the Parties Sufferers, of the Valuation or Appraisement of such condemned Negres, as aforesaid; be it further enacted and ordained by the Authority aforesaid, That after Execution done upon such Negro or Negroes, or other Slave or Slaves, that the Treasurer of this Island for the Time being shall be obliged to pay the Appraisement of the Value of such Slave or Slaves so executed in Manner as aforesaid, in Manner and Form following; that is to say, Three thousand of the said five thousand Pounds of Sugar unto the respective Owner or Owners of such Slave or Slaves so executed, and the other two thousand thereof to the respective Person or Persons so robbed, plundered, prejudiced, or damaged, as in and by this Act is directed.

Value of such
Slaves how to
be distributed.

XI. PROVIDED always, That the Damages sustained in the Felony committed by such Negro executed, do amount to the Value of two thousand Pounds of Sugar, which Damages shall be inquired of by the said Justices who tried the said Slave, either by the Oath of the Party, or by such other Means, as shall be thought most likely to find out the Truth, otherwise the Surplusage, or the Valuation of such Damage, to redound to the Owner or Proprietor of such Slave or Slaves so executed.

Provided

XII. AND in regard great Neglect and Delay hath been made heretofore by the Provost-marshal of this Island, in the due Execution of his Office upon the Body of such Criminals as aforesaid; be it enacted by the Authority aforesaid, That the Provost-marshal of this Island for the Time being, or his lawful Deputy, upon notice given him from the Justices of Peace, or either of them, who awarded the Execution, of the Time and Place, when and where any Negro-malefactor is to be executed, that he or they do not fail to attend the Discharge of their Duty and Function, under the Penalty of Ten Pounds current Money; to be levied by Warrant of Distress upon the Goods and Chattels, to be signed and sealed by the next Justice of the Peace, directed to the Constable, and immediately to be sold at Outcry; and for want of Assents, such Marshal, or his Deputy, so offending, to be committed to the publick Gaol, by Warrant under the Hand and Seal of the next Justice of Peace, directed to the Constable; and for each and every such Execution so done and performed by the Provost-marshal, or his lawful Deputy, they shall be paid the Sum of five hundred Pounds of Sugar, to be allowed out of the Sum, for which such Negro so executed shall be appraised at; or, in the Absence or Neglect of the said Marshal, and his Deputy, whosoever, being lawfully appointed, shall do, or cause Execution to be done upon the Body of such Criminal or Malefactor as aforesaid, upon Certificate thereof from the Justice or Justices who awarded the Execution, he or they shall receive the Benefit of the said Sum of five hundred Pounds of Sugar, to be paid in Manner as aforesaid.

Penalty on
Marshal neglecting to attend the Execution of any Criminal.

XIII. AND

1711.
Negroes ef-
caping, to be
out-lawed in
4 Months.

XIII. AND forasmuch as the Negroes, and other Slaves, upon committing any Crime, frequently escape to the Mountains, so that they cannot be taken in a long Time; be it further enacted by the Authority aforesaid, That what Negro, or other Slave soever, shall at any Time hereafter commit a Felony, or other Crime, and shall absent him or themselves, so that he or they cannot be taken and brought to Trial in the Space of four Months after the Crime committed, every such Negro, or other Slave, shall be, and is, by virtue of this Act, declared to be out-lawed; and if the Master or Owners of such Negro, or other Slave, be a Means of the hindering their being brought to Trial, every such Master or Owner is hereby foreclosed and debarred of having any Benefit by this Act, or of receiving any thing for such Negro, or other Slave, if killed or brought to Trial by any other Means; and if any Person shall send off his Negro, that hath killed another, he shall pay unto the Owner of such Negro so killed, as aforesaid.

Penalty on
selling Strong-
liquors to Ne-
groes upon
Sundays, &c.

XIV. AND be it further enacted by the Authority aforesaid, That no Retailer or Retailers of Strong-liquors, shall, after Publication hereof, on *Sundays*, or Holy-days, sell any Liquor or Liquors, of what Nature or Quality soever, to any Slave or Slaves, under Pain and Penalty of Three Pounds current Money for every such Offence so committed; and all Justices of the Peace, and Constables, are hereby required, and fully impowered to disperse all unusual Concourses of Negroes in or about the Towns, or elsewhere, on *Sundays*, or other Holy-days; and to take up, or cause to be taken up, all Negroes, who shall be found armed with Clubs, or other offensive Weapons, or playing at Dice, or other unlawful Sports, or drinking in the Publick-houses; and such Negroes so taken up, shall be publicly whipt, not exceeding thirty Stripes.

Justices to
make further
necessary Or-
ders.

XV. AND because it is not possible to foresee and provide against all the Difficulties that may happen in the Execution of this Act; be it enacted by the Authority aforesaid, That the Justices of the Peace, in their Sessions, may, from Time to Time, make and publish such further Orders and Regulations, as shall be found necessary for the better Government of Negroes.

Reward for
apprehending
Slaves ab-
sconding in
the Moun-
tains, in or-
der to go over
to the French.

XVI. AND whereas lately sundry Negroes, and other Slaves, have deserted their Masters and Owners, and have withdrawn themselves into the late *French Quarter* and there absconded themselves in the Grounds called the *Salt Ponds*, and in other Grounds lying to windward of *Frigatt Bay*, with Design and Intent not only to go over themselves to the Enemy, when Opportunity shall present, but also to persuade and intice other Negroes and Slaves to go with them, to the Prejudice of the Owners, and the publick Good and Welfare of this Island; be it therefore enacted and ordained by the Authority aforesaid, That what Person or Persons soever, either white or black, free or bond, shall take or apprehend such Negro or Negroes, or other Slave or Slaves, so absconding, as aforesaid, in such Lands or Mountains about the *Salt Ponds*, or to windward of *Frigatt Bay*; all and every such Person or Persons, so taking and apprehending such Negro, or other Slave or Slaves, and bringing them safe to the Provost-marshal, or his lawful Deputy, shall receive, as a Reward for taking and apprehending each and every such Negro or Negroes, Slave or Slaves, the Sum of twenty Pieces of Eight, to be paid by the Master or Owner of such Negro or Negroes, or other Slave or Slaves, so taken, as aforesaid; and the Provost-marshal, or his lawful Deputy, to be paid their Fees of Committment, for such Slave or Slaves, as aforesaid, by their respective Owners; and such Slave or Slaves so committed, to remain in Custody in the common Gaol, until the Money and Fees be paid and discharged in Manner as aforesaid; and upon written Publications, put up in the most convenient Places of this Island by the Provost-marshal, or his lawful Deputy, of such Negroes so taken up in Manner as aforesaid, and giving the best and fairest Descriptions possible, of their Persons, Marks, Features, and Countries, in case the Owner or Owners of such run-away Slave or Slaves, so taken up, and

and in Custody, as aforesaid, shall not, within one Month's Time after such Publication put up, come in, and lay his, her, or their Claim or Claims to such run-away Slave or Slaves, so taken up, and in Custody, as aforesaid, and make his, her, or their just Right and Property thereunto; then, and in such Case, the said run-away Slave or Slaves shall be sold at publick Outcry by the Provost-marshal, or his lawful Deputy, and, the Money and Charges deducted thereout, the Overplus to remain in the Hands of the Treasurer of this Island for the Time being, for and during the Space of twelve Months, for the Use of the Owner or Owners of such Slave or Slaves, as aforesaid; and if none such appear within that Time, then such Overplus to be employed for the Use of Her Majesty's Fortifications in this Island.

XVII. AND be it further enacted by the Authority aforesaid, That if any Justice of the Peace within this Island shall neglect or refuse to perform his Duty, as by this Act he is enjoined and required, he or they, so offending or neglecting, shall forfeit and pay for every such Neglect or Refusal the Sum of Twenty Pounds current Money; to be sued for and recovered in any of Her Majesty's Courts within this Island; the one Half to the Informer, and the other Half towards the Fortifications of this Island.

XVIII. AND where any Clause of this Act requires the Marshal, or his Deputy, or the Constable, to do or perform any Duty, where a Penalty is not already mentioned, he or they so neglecting or refusing to do the same, the Justice or Justices, before whom the Matter lies, shall fine such Person or Persons for each such Offence, according to their Discretion, not exceeding Ten Pounds current Money; and such, and all other Penalties arising by virtue of this Act, not directed how to be levied or disposed of, shall be levied by Warrant under the Hands and Seals of two Justices of the Peace, on the Goods and Chattels of the Party or Parties so offending, by the next Constable, and sold at publick Outcry, rendering the Overplus, if any, to the Owner; the Fines and Forfeitures to be the one Moiety to the Informer, the other to Her Majesty's Use, and applied to the Fortifications of this Island.



An Act to regulate and settle the Militia of this Island; to mount the 8^o 3: Guards, go the Rounds and Petty-rounds, and do their Duty in their Turns, as shall be ordered them.

WHEREAS it is found by long Experience, that it is altogether impossible that this Your Majesty's Island of *St. Christopher's* can be in Order, or any ways capable to defend and maintain the same against the Insults, Attacks, or Invasions of Your Majesties Enemies, and their Accomplices, unless the Inhabitants thereof be brought under a more regular and exact Discipline; and that each and every of them, being above the Age of fourteen Years, and under Sixty, be personally obliged, in one Capacity or other, with good and sufficient Arms and Ammunition, to appear and attend the said Service, as Occasion shall require: And whereas here hath been of late more than an ordinary Neglect and Remissness in both Officers and Soldiers of the Militia of this Island; which seems to threaten, and may occasion the Loss thereof,

1711.

All Persons
above the
Age of 14,
and under 60,
to do Duty on
Muster days,
&c.

thereof, if not speedily prevented: We therefore, Your Majesty's most dutiful Subjects, the Governor in chief of all Your Majesty's Leeward Carribbee Islands in *America*, and Council of the Island of *St. Christopher's*, together with the Assembly of the same, do pray Your Most Excellent Majesty to enact and ordain; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all Persons, living, residing, and being in this Island of *St. Christopher's*, and being above the Age of fourteen, and under Sixty (Sickness only excepted) shall be obliged to appear and serve in Person, and do such Duty, with such Arms and Accoutrements, on all Alarms or Invasions, and upon Muster and Exercising-days, at such Place or Places, as shall be ordered them by the Governor in chief, Lieutenant-governor, or other Commanding-officer of this Island for the Time being, in and with the Consent and Approbation of a Council of War, consisting of seven Field-officers, or other principal Officers of the same; which said Council of War shall be held immediately after the Publication of this Act, and at any other Time afterwards, so often, and as Occasion, and as the Good and Safety of this Island shall or may require; and settle the Militia of this Island, conformable, and according to the Tenor thereof; and to give such necessary Orders and Directions from Time to Time, as need shall require any Alteration to be made for the future; to nominate and appoint each and every Person or Persons living, residing, and being on this Island, and of the Age aforesaid, having all due Regard to each Person's Estate and Quality, so as the best of the Gentry, not in Commission, be appointed to ride in the Troop; and if any such Person or Persons, so commanded and appointed by the Council of War to ride in the Troop, as aforesaid, shall refuse the same, he or they shall forfeit and pay for every such Refusal the Sum of Twenty Pounds current Money, by their several and respective Christian and Surnames; to be levied upon the Goods and Chattels of the said Person or Persons that shall refuse serving, by the Field-marshal of this Island for the Time being, by Execution from under the Hand and Seal of the Governor in chief, or Lieutenant-governor; to be sold in the *Old Road Town* within twenty four Hours, the Remainder, if any, to be delivered to the Owner.

The same to
be not oftner
than one Day
in a Month.

II. AND it is the true Intent and Meaning of this Act, that the Muster and Exercising-days do not exceed more than one Day in every Month in the Year; and also provided, that the Gentlemen of the Council and Assembly not in Commission, be indemnified, saved harmless, and excused their personal Appearance and Attendance on all Muster and Exercising-days only; all which Regulations and Settlement of the Militia of this Island, together with all other the Proceedings and Doings of the said Council of War, be fairly written in a Book provided for that Purpose.

Regulation
of the Guards,
&c.

III. BE it further enacted by the Authority aforesaid, That the Guards and Rounds be regulated and settled by the said Council of War in Manner and Form following; viz. The Persons Names, and Number of them, and their Turns as they are to attend the said several Services, shall be of as sufficient Force and Authority, to all Intents and Purposes whatsoever, to bind and oblige all and every the Inhabitants to the Duty, Obedience, and Performance thereof, as if his or their particular Name or Names had duly been inserted, and appointed him or them in and by this Act.

Orders to be
entered in a
Book.

IV. AND that no Person may plead Ignorance of the said Regulations and Orders established, it is hereby appointed and enacted by the said Council of War, That the same shall be entered in a Book to be kept for that Purpose, and fair Copies thereof, now at first, and as Occasion shall require Alteration to be made for the future, given under their Hands, to every Field-officer and Captain of this Island, that they may with the more Ease know how to set and place their Guards, find out and punish the Party or Parties that offend

offend after due Notice given him or them what Guards or other Duty he or they are to keep and perform.

V. FOR the better and more regular Performance of all and every the Duties intended, and that shall now at first, or hereafter, during this present War, be imposed on the several Inhabitants of this Island by the said Council of War, by virtue of this Act; be it further enacted by the Authority aforesaid, That whatsoever Person, being of the Age aforesaid (Sickness only excepted) living, residing, and being on this Island, whether Officer or Soldier, that shall refuse and neglect duly to do and perform the Duty assigned them by the said Council of War, when and so often as it shall come to his or their Turn, shall forfeit and pay for each and every Offence, if a Field-officer, the Sum of Three Pounds current Money; if other Commission-officer, the Sum of Thirty Shillings; if a Gentleman, the Sum of Fifteen Shillings, or be sent to *Charles Fort*, there to remain without Bail or Mainprize, not exceeding seven Days, at the Discretion, and by Warrant under the Hand and Seal of the Officer riding the grand Rounds, or commanding the Party where such Neglect or Refusal is made.

1711.

Penalties on Officers Neglect of Duty.

VI. PROVIDED nevertheless, That the Gentlemen of the Council and Assembly be excused from riding the Rounds the Night before, and the same Night after their meeting the Council and Assembly.

VII. AND the Commanding-officers of the said Fort for the Time being are to receive all such Persons so sent them, and keep him or them in safe Custody, during and according to the Time and Tenor of the said Warrant of Commitment, if not sooner discharged by the Governor in chief, Lieutenant-governor, or other Commanding-officer of this Island for the Time being, or the Person himself that committed him or them respectively: If a private Centinel, Foot-soldier, or a Freeholder, the Sum of five Shillings; but poor, or a Servant, and not being able to pay the aforesaid Fine, to be tied Neck and Heels, or ride the Wooden-horse, not exceeding one Hour: Provided always, That the Servant be not detained by his Master, Mistress, Manager, or Overseer, in which case the Master, &c. shall forfeit and pay the Fine aforesaid.

Penalty on private Soldiers Neglect of Duty.

VIII. AND be it further enacted and provided by the Authority aforesaid, That all Disputes which shall arise concerning the Construction and Execution of this Act, shall be determined by a Court-martial, consisting of at least seven Commission-officers; who shall take an Oath (to be administered by the Judge-advocate, who shall be commissioned by the chief Governor, or Lieutenant-governor for the Time being) that they will in all Cases do speedy Justice, without Favour or Prejudice to any Person whatsoever.

Disputes to be determined by a Court-martial.

IX. AND be it further enacted by the Authority aforesaid, That whatsoever Gentleman of the Troop shall be appointed by his respective Commanding-officer to serve as Corporal of the said Troop, is hereby obliged so to serve for the Space of one whole Year, under the Penalty of Twenty Pounds current Money upon Refusal to act as Corporal; to be levied by the Provost-marshal, or his lawful Deputy, upon his Goods and Chattels, by Warrant from under the Hand and Seal of his Excellency the General, or Lieutenant-governor, and the same to expose to publick Sale, within three Days after Seizure made, in the Town of the *Old Road*; the said Money so arising by virtue of this Act, to be returned into the Hands of the publick Treasurer, for the Use of Her Majesty's Fortifications, and other contingent Charges of the Government, the said Marshal returning the Overplus, if any be, to the Owner, having first deducted his lawful Fees and Charges: Always provided, That no Gentleman that has been in Commission, shall be obliged to serve as a Corporal in any of the respective Troops.

Penalty if a Gentleman refuses to serve as Corporal.

X. AND be it also enacted, That whatsoever Person or Persons in the Militia Regiment of this Island, who shall be pitched upon and appointed by

1711.

Penalty if a
Person re-
fuses to act as
Serjeant or
Corporal in
the Militia
Regiment.

by his or their respective Commanding-officer to act as Serjeant or Corporal in the Company he or they belong to, for the Term of one Year, do refuse to act and do their Duty, either of Serjeant or Corporal, after appointed, as aforesaid, shall for every such Refusal forfeit the Sum of Ten Pounds current Money; to be levied, put to publick Sale, and be disposed of by the Provost-marshal, or his lawful Deputy, after the same Manner as a Gentleman refusing to serve as Corporal of the Troop: Always provided, That no Gentleman that has been in Commission, shall be obliged to serve either as Serjeant or Corporal in the said Regiment: Provided also, That if either the Trooper, or Person or Persons appointed to serve, either as Serjeant or Corporal in the said Regiment, shall not be found to have Effects sufficient to answer the said Fines; that then, and in such Case, the Person insolvent shall be sent by his Commanding-officer to *Charles Fort*, by a Note under his said Officer's Hand to the Commanding-officer in the said Fort, to receive him or them as Prisoner, and there to be kept for the Space of twenty Days, if not sooner released by the General, or Lieutenant-governor.

Clause for
the Encour-
agement of
Gentlemen to
serve as Cor-
porals in the
Regiment.

XI. AND for the better Encouragement of a Gentleman to serve as Corporal in the Troops, as likewise Serjeants and Corporals to serve in the Regiment; be it, and it is hereby enacted, That all Fines and Forfeitures (as are expressed and set down in the Act) arising from, and upon Neglect of Duties to be performed, either by any Gentleman of the Troops, or by a private Centinel in any of the Companies of the Regiment of Foot, shall, if for a Trooper, be paid into the Hands of his respective Corporal, for his proper Use and Benefit; to be demanded and recovered from the said Trooper that has neglected to do his Duty, by an Order from under the Hand of his respective Commanding-officer; as likewise, all Forfeitures arising upon Neglect of Duty in a Foot-foldier in the said Regiment, shall be to the proper Use and Benefit of the respective Serjeants and Corporals of the Company, to whom the Offender or Offenders belong; to be recovered from him or them by an Order from under the Hand of his or their respective Commanding-officer; and upon refusal of either Trooper or Soldier in the said Regiment, to pay the Forfeitures as hereby ordered and directed; then, and in such Case of Refusal, he or they shall be sent a Prisoner to *Charles Fort*, after the same Manner as is before prescribed in Case of Insolvency, either in a Corporal of the Troops, or Serjeants, or Corporals of the Regiment, there to be kept till he or they pay the said Forfeitures, and the General, or Lieutenant-governor, be satisfied of the same, from either the Corporal of the said Troops, or Serjeant, or Corporal of the Regiment.

Penalty on
Corporal
neglecting to
recover the
Fines.

XII. AND be it further enacted, That if the said Corporal of the Troops, or Serjeant, or Corporal of any the Companies in the said Regiment, be remiss in recovering the said Forfeitures, or pretending to forgive the same, he shall be liable to be sent a Prisoner to *Charles Fort* by his Officer, in the same Manner as is before directed for sending a Prisoner to the said Fort, there to lie for the Space of thirty Days, if not sooner released by the General, or Lieutenant-governor.

Forfeitures
how to be
recovered.

XIII. AND be it, and it is hereby further enacted by the Authority aforesaid, That if any Officer, either of the Troops or Companies of the said Regiment, shall neglect to do their Duties, as are expressed and set down in this Act, or shall be concluded on, from Time to Time, by a Council of Officers of the said Troops and Regiments, the Forfeiture arising therefrom shall be recovered by Warrant from under the Hand and Seal of the Captain-general, Lieutenant-governor, or the Commanding-officer for the Time being, directed to the Provost-marshal, or his lawful Deputy, who is forthwith, upon receipt thereof, to demand from the Officer so offending the Sum due from him, according to the Rate set down and specified in this Act; and upon Refusal to pay the same, to distrain upon so much of the offend-

ing Officer's Goods and Chattels, as he shall judge may amount to the said Sum, and the same in three Days to expose to publick Sale in the Town of *Old Road*, returning the Money arising therefrom into the Hands of the publick Treasurer, for the Use of Her Majesty's Fortifications, and other contingent Charges of the Government; and also returning the Overplus, if any be, to the Owner, having first deducted his lawful Fees and Charges.

1711.



An Act for selling of Strong-liquors by retail; and taking out Licences. R^o 4.

WHEREAS there is a Necessity for raising an Impost upon such as shall be licensed to sell Strong-liquors by retail in this Your Majesty's Island, for defraying the publick Charges within the same, Consideration being thereunto had: We, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas* Esquire, Captain-general, and Commander in chief in and over all Your Majesty's Leeward Caribbee Islands in *America*, by and with the Advice and Consent of the Council and Assembly of this Your Majesty's Island of *St. Christopher's*, humbly pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted by the said *Walter Douglas* Esquire, Captain-general, and Commander in chief in and over all Your Majesty's Leeward Caribbee Islands in *America*, by and with the Advice and Consent of the Council and Assembly of the said Island, and by the Authority of the same, That from and after the Publication hereof, all and every Person and Persons residing in this Island, who shall hereafter sell any sorts of Strong-liquors by retail, shall and are hereby obliged to pay, or cause to be paid unto the Treasurer of the said Island for the Time being, or any other Person or Persons authorized thereunto, after the Rate of sixteen Pounds current Money, to be paid quarterly, for his, her, or their particular Licence so to do; for the true Performance whereof, they shall give in sufficient Security, Bond, or Obligation, in the Secretary's Office of the said Island, at the taking out such Licence or Licences.

Retailers of Strong-liquors to pay 16 l. per Annum, for a Licence.

II. AND those who shall hereafter sell Rum, or Rum-punch by retail, shall and are hereby obliged to pay, or cause to be paid to the Treasurer of this Island for the Time being, or any other Person or Persons authorized thereunto, after the Rate of three Pounds two Shillings and six Pence current Money per Annum, for such Licence, to be paid quarterly; for the due Payment whereof, they shall also give in sufficient Security in the Secretary's Office, by Bond or Obligation, as aforesaid.

Selling Rum, to pay 3 l. 2 s.

III. AND it is further enacted and ordained by the Authority aforesaid, That if any Person or Persons residing in this Your Majesty's Island, shall, after Publication hereof, presume to set up or keep any Taverns or Victualling-houses, or to sell Strong-liquors by retail in this Your Majesty's Island, without Licence first had and obtained from the Commander in chief, or the Lieutenant-governor for the Time being; he, she, or they so offending, and thereof lawfully convicted, shall for every such Offence forfeit and pay the

Penalty on selling Strong-liquors.

1711.

full and just Sum of Thirty two Pounds current Money of this Island; to be forthwith levied by way of Distress, upon the Goods of such Persons so offending as aforesaid; one Half to Her Majesty, to be employed about Her Majesty's Fortifications, and the other contingent Charges of this Your Majesty's Island, and the other Half to the Informer.

or Rum,
without Li-
cence.

IV. AND if any Person or Persons residing in this Your Majesty's Island, shall presume to sell Rum, or Rum-punch by retail, without Licence thereunto first had and obtained, shall for every such Offence forfeit and pay the just and full Sum of Six Pounds Five Shillings current Money of this Island; to be levied by way of Distress as aforesaid; the one Half to Her Majesty, to be employed on the Fortifications, and other contingent Charges of this Your Majesty's Island, as aforesaid, and the other Half to the Informer.

Proviso.

V. PROVIDED always, That it shall and may be lawful for such who have Sugar-works, to dispose and sell by retail at their particular Plantations, and no otherwise.

Persons set-
ting up Rum-
works, to pay
16l. 10s. per
Annum,

VI. BUT if any Person or Persons shall set up Rum-works, and purchase Molosses to distil into Rum in any Place or Part of this Your Majesty's Island, as aforesaid, shall and are obliged hereby first to take out a Licence, and pay after the Rate of sixteen Pounds ten Shillings current Money *per Annum*, into the Treasurer's Hands of the said Island for the Time being, quarterly.

or forfeit
33l.

VII. AND whatsoever Person or Persons, after Publication hereof made, shall presume to set up any such Work, for the distilling of Molosses, as aforesaid, without Licence first had and obtained for their so doing, shall forfeit the Sum of Thirty three Pounds current Money of the said Island for every such Offence; to be forthwith levied by way of Distress, as aforesaid; the one Half to Her Majesty, for the Use of the Fortifications of this Your Majesty's Island, and the contingent Charges of the Government, and the other Half to the Informer.

Treasurer to
levy the
Fines,

VIII. AND be it further enacted by the Authority aforesaid, That all Fines to be levied by way of Distress, shall be by the Treasurer of the said Island for the Time being (who is hereby impowered to levy the same in such Manner as Executions are levied, after Judgement obtained, in Actions between Party and Party) or his Deputy; by virtue of which, he shall dispose of, by publick Outcry, all such Things as shall by him be detained; Publication thereof being forthwith made for Sale in any of the Towns within this Her Majesty's Island, as aforesaid, at the Expiration of three Days after Execution be levied, rendering the Overplus, if any be, to the lawful Owner thereof, first deducting his lawful Fees and Charges for levying the same.

on Proof of
the Offence
before a Ju-
stice.

IX. AND be it further enacted by the Authority aforesaid, That all Informations shall be made to the Treasurer of the said Island for the Time being, who is forthwith to go with the Informer to the next Justice of the Peace, and upon Proof made by one or more lawful Witnesses before such Justice of Peace, shall be a sufficient Authority to the said Treasurer to distrain upon such Offender or Offenders Goods in Manner as aforesaid.

Proviso.

X. PROVIDED always, That nothing herein contained shall lessen Her Majesty's Prerogative in any Respect whatsoever.

An

1711.

An Act for raising a Levy, to defray the publick Charges of this Island, &c. &c.

Aspired.



An Act to prevent Trespasses between Neighbours, and to regulate the R^d & impounding of Stock.

IN Consideration of the many Trespasses and Damages which the Inhabitants daily sustain by the abundance of Stock, to the great Detriment of Your Majesty's Subjects in this Island: For Prevention whereof for the future, we, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas Esquire*, Captain-general, and Governor in chief in and over all Your Majesty's Leeward Carribbee Islands in *America*, together with the Lieutenant-governor, Council, and Assembly of the same, do most humbly pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That all the Inhabitants, which are Owners or Possessors of any Land or Plantations within this Your Majesty's Island, shall be from henceforth obliged to make and keep in good Repair, a sufficient Fence or Barricado, on the Eastward or Windward Side, and at the Head of all their Lands or Plantations, and also to all common Paths or Highways running through the said Lands, under Penalty of the Forfeiture of Fifty Pounds current Money, or the Value thereof in Sugar, for each and every Person that shall neglect or refuse to make such Fences within six Months after the Date of this Act, or at any Time after the said six Months, to repair such Fences within ten Days Time after Notice given them; and likewise, that such Person or Persons, as aforesaid (during such Time of their Neglect) shall be excluded from having any Benefit or Advantage by this Act, for any Damage sustained by Means of the Trespasses committed as aforesaid.

Owners of Land to keep good Fences, or forfeit 50 li

II. AND be it further enacted by the Authority aforesaid, That whatsoever Person or Persons shall clandestinely break down, destroy, or carry away any Rails or Fences, set up or made for the Prevention of Damages, as aforesaid, and be convicted thereof by sufficient Witness before a Justice of the Peace, the Person so offending shall pay such Fine as the said Justice shall order; and in Default or Refusal of Payment of such Fine imposed, the said Justice may order Corporal Punishment to be inflicted, not exceeding thirty Lashes on their bare Back, or be set about four Hours in the Stocks; and that if any Horse, Beast, Mule, or Ass, shall forceably break down the said Fences, the Owners of such Beast or Beasts, &c. as aforesaid, are hereby obliged to repair the said Fences, and pay such Damages, as shall be adjudged by two indifferent Neighbours, to be thereupon empowered by a Warrant under the Hand and Seal of the next Justice of the Peace; and in case the Persons so duly appointed and summoned, shall refuse or neglect to make his or their Appearance at the Time and Place by the Warrant appointed, and refuse

Penalty on breaking down such Fences.

Owners of Beasts breaking down Fences, to make good the Damages.

to

1711.

to execute and perform the said Service (shewing no lawful Cause to be approved of by the said Justice) shall, severally, for every such Contempt, forfeit the Sum of Twenty Shillings; to be levied by Warrant of Distress from any of Her Majesty's Justices of the Peace: And if any Person or Persons shall refuse to make Payment or Satisfaction for such Damages determined, as aforesaid, with Charges, not exceeding six Pounds current Money, it is hereby declared to be lawful for the said Justice to issue forth a Warrant of Distress to the Provost-marshal, or his lawful Deputy, to be executed on any the Goods of the Offender, as near as may be to the Damage; who is hereby directed to make Sale thereof by publick Outcry, and, Satisfaction being first made to the Party aggrieved, the Marshal shall receive to himself out of the said Goods the Sum of six Shillings, for Discharge of his Office, returning the Overplus, if any, to the Owner; but if the Damage exceeds six Pounds, the same shall be recovered by Action of Trespass in any Court of Record within this Island.

Stock how to be secured.

III. AND for the better securing all Manner of Stock that shall be taken up for trespassing, be it further enacted by the Authority aforesaid, That every Person's private Penn upon his Plantation, and such as shall be used instead of a Pound; and such as have no Penn, may secure any Stock trespassing on him or them, in the best and safest Manner they can; provided all such Persons who take up any Stock trespassing as aforesaid, do forthwith give Notice thereof, that the Owners may have Knowledge thereof.

Allowance per Day for keeping.

IV. AND that all Persons so impounding and securing any Stock trespassing upon their respective Plantations, shall, by virtue of this Act, be allowed for all kind of Horses, Cattle, Mules, and Asses, of any Age whatsoever, one Shilling; for every Sheep, three Pence, and so proportionable to the Number, for every four and twenty Hours keeping; and the Detainer is hereby required and obliged to find sufficient Water and Provender to every Beast so kept in his said Penn, or otherwise secured, as aforesaid.

Hogs or Goats may be killed, after first Notice.

V. AND be it enacted by the Authority aforesaid, That it shall be lawful for all Masters, Overseers, or Servants, to kill any Hogs or Goats after the first Notice given; the one Half to be and redound to the Party aggrieved, in Recompence for the Damage, and the other to the Owner: And that it shall and may be lawful for the Inhabitants in the respective Towns of this Island, to kill all such Swine, as shall commit Trespasses in any of the said Towns, by getting into their Houses or Backsides, and doing Damage there, by breaking open Casks of Sugar or Molosses, &c. all which hath been found heretofore committed and suffered, to the vast Prejudice and Damage of the said Inhabitants, and divers others.

Penalty on taking away any Stock impounded.

VI. AND in case any Person shall clandestinely or forceably take away their trespassing Cattle or Stock out of the Penn or Pound of the Party aggrieved; every such Person or Persons so offending, shall be liable to be sued in an Action of Trespass; and if a Slave commit the Trespass, in taking away as aforesaid, he shall be punished at the Discretion of the Justice of Peace.

General Issue.

VII. AND it is also further enacted by the Authority aforesaid, That if any Person shall commence an Action in any Court of Record within this Island against the Provost-marshal, or his Deputy, for the due Execution of their Office, according to the Tenor of this Act; that then, and in such Case, the said Provost-marshal, or his lawful Deputy, may plead the general Issue, and give this Act in Evidence; which shall be a sufficient Bar against any Suit or Action commenced against them.

1711.

An Act requiring all Masters of Ships, and other Vessels, to give Security in the Secretary's Office.

WE, Your Majesty's most dutiful and loyal Subjects, the Lieutenant-governor, Council, and Assembly of Her Majesty's Island of St. Christopher's, do most humbly pray Her Most Excellent Majesty that it may be enacted; and be it enacted by his Excellency *Walter Douglas* Esquire, Captain-general, and Governor in chief in and over all Her Majesty's Leeward Caribbee Islands in *America*, the Council and Assembly of this Island, and it is hereby enacted and ordained by the Authority aforesaid, That the Master of every Ship or Vessel, or some other for him, in Case of Disability, before they trade within this Island, or land any Goods on the same (living Creatures only excepted) shall, under the Penalty of forfeiting Ship and Cargo for his Neglect, wait upon the Governor, or Commander in chief, Lieutenant-governor, or President of the Council for the Time being, and give in Security in the Secretary's Office, with one sufficient Freeholder, or well known Merchant, such as by common Repute is held to be worth so much, in the Sum of one thousand Pounds current Money of this Island, that he shall not carry off this Island any Person without a Ticket, signed by the chief Governor, Lieutenant-governor, or President of the Council for the Time being; nor depart himself with his Ship or Vessel, without Leave of the chief Governor, Lieutenant-governor, or President of the Council, under the Penalty of Fifty Pounds current Money for such Departure; to be recovered by due Course of Law in any Court of Record within this Island; two thirds whereof shall be to our Sovereign Lady the Queen, Her Heirs and Successors, for repairing Her Majesty's Fortifications, and Support of the Government of this Island, and the other third to him that shall sue for the same. Provided, That this Clause foregoing shall not extend to Women Covert, or Children under fourteen Years of Age: Likewise it is the true Intent and Meaning of this Act, that the Masters of all Sloops and smaller Vessels, belonging to, and trading among Her Majesty's Leeward Caribbee Islands, shall be obliged to give Security in the Secretary's Office but once every Year.

Masters of Ships to give Security not to carry off any Person, without a Ticket.

Exception.

II. AND be it further enacted by the Authority aforesaid, That the Naval-officer of this Island shall not at any Time hereafter sign any Letpafs or Clearance from the Naval-officer to the Master of any Vessel whatsoever, before that such Master have entered his Vessel in the Secretary's Office, and receive a Certificate from the Secretary of such his Entering in the Secretary's Office, under the Penalty of One hundred Pounds current Money: And all Masters of Sloops and other Vessels, employed in carrying Timber, Lime, Stone, and other Necessaries to the Plantations on the Windward Side of this Island, in bringing Sugars, and other Goods of the Product of the Island from thence, be executed upon their Arrival at the said Windward Side, waiting on the Governor, or Commander in chief; any thing in this Act seeming to the contrary notwithstanding.

Naval-officer not to sign a Clearance before Entry of the Vessel.

III. AND be it further enacted by the Authority aforesaid, That the Secretary of this Island for the Time being, or his lawful Deputy, shall not deliver any Person a Ticket, under the Hand of, or to be signed by the Governor, or Commander in chief, Lieutenant-governor, or President of the Council for the Time being, to go off this Island, unless his or her Name have been set up in the Secretary's Office one and twenty Days, otherwise that he take good Security for the paying such Persons Debts so departing; which the Secretary

Secretary not to give a Ticket to go off the Island, till the Persons Names have been set up in the Office.

1711.

cretary is bound to observe, under the Penalty of being liable himself to satisfy all the Creditors of such Person or Persons so obtaining a Ticket, or Masters or Mistresses of Servants or Slaves carried off by any Master of Ship or Vessel that shall not have given sufficient Security, according to the true Intent and Meaning of this Act, by which the aggrieved Person shall, by virtue of this Act, have Remedy at Common Law against the said Secretary, Deputy-secretary, his or their Security.

Proviso.

IV. PROVIDED always, and it is hereby declared to be the true Intent and Meaning of this Act, That the said Bonds so given, as aforesaid, shall be taken in the Queen's Name; but are hereby declared to be only to and for the Use and Intent of the Person or Persons concerned; and that when any of the said Bonds shall be put in Suit, and Judgement thereupon obtained, the Judgement shall remain in the same Nature the Bonds were; and that no Execution issue out thereupon, before the Person grieved shall, by *Scire facias*, or other Process, summon the Person or Persons, against whom the Judgement aforesaid is obtained, to appear and shew Cause why Execution should not issue upon the Judgement; and if the Plaintiff in the said *Scire facias* shall duly prove what Damage he hath sustained, and thereupon a Verdict be found for him, the Judges shall, in such Cases, award Execution for so much as the Jury shall then find, and no more; and the former Judgement is hereby declared still to remain cautionary, for the Satisfaction of such other of Her Majesty's Subjects as shall legally prove themselves damnified, and recover the Damages, as aforesaid, by due Course of Law.

Clause relating to Persons taken up at Sea.

V. AND be it further enacted by the Authority aforesaid, That where any Person indebted, Servant or Slave, that shall repair from this Island any Manner of Way whatsoever, and be taken up at Sea by any Ship or Vessel, the Master of such Ship or Vessel, and his Security, shall be subject to the same Penalty, as if taken immediately from the Shore.

Proviso.

VI. PROVIDED, That if the Master of such Ship or Vessel shall at the first Port he shall arrive at, make Oath before any Magistrate that he, nor any of his Men, to his Knowledge, never abetted, encouraged, or knew of such Servant or Slaves coming off; but that the said Servant or Slaves, so taken up, must, in all Appearance, have been drowned, if not taken up; and after such Oath, shall take the first and most convenient Opportunity to return such Servant or Slave to their respective Owner; then shall not the Master, or his Security, be liable to any Penalty, but the Owner of such Servant or Slave shall pay the Charges of such Servant or Slaves returned.

Bonds to be sued in 3 Years.

VII. AND be it further enacted and ordained by the Authority aforesaid, That if the said Bonds are not sued within three Years after their several Dates, they are hereby declared null and void, to all Intents and Purposes whatsoever.

Governor to grant a Commission to try Causes, upon Oath that the Persons arrested are designed off the Island.

VIII. AND be it further enacted and ordained by the Authority aforesaid, That the Governor, or Commander in chief for the Time being, may, upon Complaint of any Person underwritten or arrested, grant a Commission, empowering five good able Men, or three of them, whereof one to be a Justice of Peace, to be Judge of a special Court of Expedition, to try the Cause or Causes of Underwritings or Arrests, the Party that complains first making Oath that he is really designed off, and cannot, without Prejudice to his Affairs, stay the Proceedings of the usual Courts of Common-pleas; the said Commissioners shall be sworn to do equal Right; they shall summon the Underwriter, or Party arresting, to appear and file his Action; and issue out their Precept to the Marshal, to summon a Jury; and in case the Verdict pass for the Plaintiff, forthwith to enter Judgement, and issue the Execution for immediate Satisfaction, by Appraisement of the Goods, Chattels, or Effects, or imprison the Body, if no Effects be shewn to satisfy the same: But if the Plaintiff appear, not being duly summoned to prosecute, or, upon Trial, no just Cause appear for his Underwriting or Arresting, or the

the major Part of the Debt, or the Sum pretended be not found due, or the same appear to be done out of Malice, and with vexatious Intent; in such Cases the Verdict shall be for the Defendant, and Judgement against the Party underwriting or arresting, to pay treble Damages and double Costs, and Execution to be as aforesaid; and such Verdict and Judgement shall be a perpetual Bar to such pretended Cause of Action.

1711.

IX. AND be it further enacted by the Authority aforesaid, That where any Person hath Cause of Action, which lies only in Damages, and not in Certainty, he may underwrite for a Sum in Gross, as the Case may require; any thing in this Act to the contrary notwithstanding.

Provision where the Cause of Action lies only in Damages.



An Act for settling the Estates and Titles of the Inhabitants of this Island to their Possessions within the same. 1712.
No 8.

WHEREAS this Island hath twice within the Memory of Man been subjected to the Conquest of a Foreign Enemy, and the Inhabitants transported to other Islands; and by the unhappy Consequences thereof, as well as by the frequent Accidents of Hurricanes and Fires, the particular Tenures and Estates of this Island have not only been strangely transferred from one Owner to another, but many People have lost all their Writings, Deeds, Conveyances, and other Evidences whatsoever of the Lands and Tenements of which themselves or Ancestors have been many Years quietly and equitably possessed; and even our publick Records have been so defaced, torn, or entirely lost, that no Recourse can in many Cases be had thereunto; so that the present Proprietors of Lands may be liable to many vexatious Suits and difficult Proofs for their Tenures, unless the same be remedied by Law: We therefore, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas Esquire, Captain-general, and Governor in chief in and over Your Majesty's Leeward Caribbee Islands, the Lieutenant-governor, Council, and Assembly of this Island*, taking into our most serious and deliberate Consideration, how the several dubious and disputable Titles to Tenures in this Island may be best confirmed, and the Owners thereby encouraged to a thorough Settlement of the same, pray Your Most Excellent Majesty that it may be enacted; and be it, and it is enacted by the Authority aforesaid, That no Title of Her Most Sacred Majesty shall be revived or put in suit on account of the Re-conquest of this Island; but that every Proprietor of Land within this Island shall be deemed and adjudged legally instated and reinvested in such Estate of Lands or Tenements, as he, his Ancestors, or they, whose Estate he hath legally had at the Time of this Island being surrendered to the *French*, in the Year of our Lord One thousand six hundred eighty and nine; and that no old obsolete Titles to any Lands may be revived, to occasion any vexatious Disputes.

No Titles to be put in suit on account of the Re-conquest of this Island.

II. IT is likewise enacted by the Authority aforesaid, That if any Person or Persons now in Possession of any Lands, Tenements, or Hereditaments within this Island, have or hath quietly, and without lawful Interruption, enjoyed the same, severally or successively, by the Space of five Years, before the Beginning of the aforesaid late War, in the Year of our Lord One thou-

Persons possessed of Estates 5 Years before the late War, to remain so.

land

1712.

land six hundred eighty and nine, and from the Re-conquest of this Island to this present Time, without any legal Claim thereunto in a Court of Record made before the Date of this Act; that such Person or Persons now in Possession shall have good Right and Title to the same, against all Persons whatsoever, for and during the Estate whereof he or they are possessed.

The same to be a good Plea in Bar of any Actions concerning Titles of Land.

III. AND it is hereby further declared and enacted by the Authority aforesaid, That in all Actions concerning Titles of Land, it shall be a good Plea, in Bar of such Actions, for the Defendant to alledge, that he and they, whose Estate he lawfully hath, and ought to have, have been in quiet and peaceable Possession of the said Lands in question, for and during the Space of five Years, before the Beginning of the aforesaid late War, and from the Re-conquest of this Island to this present Time; and this Plea duly entered, shall bar the Plaintiff or Demandant, unless he can disprove the same, or make it appear that the said first five Years Possession incurred during the Time that the said Plaintiff or Demandant, his Ancestor, or they whose Estate he demands, was under the Age of twenty one Years, a Woman under Coverture, of unsound Memory, or that the Defendant or Tenant hold the same, as his or their Attorney or Tenant, Servant or Overseer, or by virtue of some particular Estate, for Years, Life, by the Courtesy, in Dower or in Tail, which, at or before the Time of the Action brought, was expired. Provided always, this foregoing Clause, or any thing therein contained, shall not be pleaded in Bar for three Years next ensuing the Date hereof; but that it shall or may be lawful for any Persons to commence their Suit in that Time, for any Land they shall conceive they have a Right or Title to, and plead their Title Prior to such first five Years Possession; any thing in this foregoing Clause to the contrary notwithstanding.

Exception.

Clause relating to Conveyances of Land by the French.

IV. AND whereas several Subjects of the *French* King did, at their Conquest of this Island, in the Year of our Lord One thousand six hundred and sixty six, pretend to buy of the *English* several Plantations or Parcels of Land, and gave some small Consideration therefore; which, by the Treaty of Peace concluded between the two Crowns at *Breda*, was ascertained and confirmed to such *French* Purchasers, unless the *Old English* Proprietors did, within a Day certain, as by the said Articles of Peace may appear, repay the Price of the first Purchase, and all Meliorations thereon; which many failing or neglecting to do, the *French* remain possessed thereof, till they, for valuable Considerations, sold again to the *English*, or otherwise forfeited the same; by which second Purchase or Grants, very many Tenures are now held in this Island: It is therefore enacted by the Authority aforesaid, That all Conveyances and Assignments of Land made by any such *French* Subject, who was in Possession of such Land after the lapse of the Time limited in the aforesaid Articles of *Breda*, shall be good and valid in Law; and all Grants of Land forfeited before the Year of our Lord One thousand six hundred eighty nine, by such *French* Subjects, and given under the Great Seal of these Islands by any then chief Governor, shall be likewise good and valid in Law; and such Conveyances, Assignments, or Grants, shall be pleaded in Bar of any Right or Claim, Prior to such *French* Subjects Possession.

V. AND whereas many of the said *French* Subjects, who continued to hold their Lands in the *English* Quarters, by virtue of the Articles of *Breda*, until the breaking out of the aforesaid late War, did then renounce the Protection of the *English*, remained with the *French*; and after the Re-conquest of this Island by us, they abdicated their Possessions, and went off with the other *French* Subjects: And whereas many *Irish* Subjects of the *English* Crown did at that Time, contrary to their Allegiance, go into open Rebellion, assist the *French*, to subdue the *English* Part of this Island, and remained with them in professed Hostility against their natural Prince; now nothing was more reasonable and consonant to the Practice of all Nations, than that their Persons

sons should have been forthwith attainted, and their Estates confiscated to the Use of Their then Most Sacred Majesties, Their Heirs and Successors; which, however, for want of a Civil Administration of the Government of this Island, for many Years after the Re-conquest of the same, was not done in such Form as by Law is required; their Lands, notwithstanding for better settling and strengthening this Island, which otherwise was very weak, were given and granted by the then chief Governor, with Consent of the Council of this Island, under the Great Seal of these Islands, to several People, who by their Industry have much improved the same, and strengthened this Island thereby: To the End therefore that the good Subject may be encouraged, and a Brand of Infamy set upon Treachery, Perfidy, and Rebellion, it is declared and enacted by the Authority aforesaid, That all the Lands and Plantations in the *English* Quarters of any *French* Man or Woman, who quitted and deserted the same, upon our re-taking this Island, and went off with the other *French* Subjects, and died, or yet survive in the Dominions of the *French* King, as well as all the Lands of any *Irish*, or other natural Subjects of *Great Britain*, who, at the Time aforesaid, appeared in Rebellion, and received the Protection of the *French*, were justly forfeited to, and legally vested in Their late Most Sacred Majesties, Their Heirs and Successors; notwithstanding any Deficiencies or want of Proceedings, heretofore neglected, for the more regular and formal Confiscation of the same, all which this present Law shall be deemed and construed to answer and supply.

1712.

Forfeited Lands vested in the Crown.

VI. AND it is further declared and enacted by the Authority aforesaid, That the several aforesaid Grants of such Lands or Hereditaments under the Great Seal of these Islands, shall be, and be adjudged firm and valid in Law, and the several Patentees shall have thereby a good and indefeasible Title to the same in Fee-simple; and that as well all Persons who have so forfeited and lost their Tenures and Estates, as their Heirs and Assigns, shall be utterly barred to claim the same, to all Intents and Purposes whatsoever; this Act to be duly pleaded in Bar, or given in Evidence to a Jury upon the Trial of any such Right.

Grants of such Lands adjudged valid in Law.

VII. AND whereas the Laws and Customs of this Island have ever directed, that Lands should be taken in Execution for want of other personal Estate; and that not only in Judgements of Debt between Party and Party, but likewise on account of all publick Levies and Assessments which have been raised in this Island, whereby many Tracts or Parcels of Land have formerly and of late been exposed and sold at publick Outcry, or by Appraisement, by the Provost-marshal, or his lawful Deputy; and it is but just, that the lawful Purchaser, who paid a valuable Consideration, and bought under the Security of a Law of this Island, should be ascertained of his Estate: It is further enacted by the Authority aforesaid, That all Bills of Sale made under the Hand and Seal of any Provost-marshal, or his lawful Deputy, and according to the known Usage and Practice of this Island, shall be good and valid to any Purchaser, or his Heirs, against the former Proprietor, and his Heirs, or any claiming from, by, or under him or them, or any of them, by any Deed or Conveyance made after the Execution levied on the said Lands; notwithstanding, that the Records, or Law of this Island, whereon such Execution and Bill of Sale are founded, may, by the late Unhappiness and Confusion of our Times, be defaced or lost. Provided nevertheless, That this Clause shall not extend, or be construed to justify or save harmless any Provost-marshal, Deputy-marshal, or other Officer whatsoever, in any illegal Practice or undue Execution of their Office.

Clause relating to Lands sold at publick Outcry.

VIII. AND be it further enacted by the Authority aforesaid, That no Want of Method, or of sufficient and legal Words to create Inheritances to them and their Heirs; nor any Impropriety of Speech, which, through the Ignorance of former Times, are frequently found in old Deeds, shall any way

1712.
Titles to be
affirmed by
living Wit-
nesses, where
Writings are
lost.

viciate or make void any Deed, Grant, Devise, or other Conveyance whatsoever: And where any Persons possessed of, and intitled to any Lands, according to the true Intent and Meaning of this Act, have lost their Writings for the same; in such Case he may affirm his Title and Possession for so many Years, as required by this Act, by two or more credible Oaths of the ancient Neighbourhood, which shall be accounted sufficient Proof, unless more convincing Evidence can be brought to the contrary; and such Persons may at all Times repair unto his present Excellency, or other chief Governor in Council, for the full Confirmation of their Estates and Tenures, and then and there shall and may receive such full Confirmation and Assurance, under Her Majesty's Great Seal of these Islands, as they can reasonably advise or desire.



1711.
No 9.
Obsolete.

An Act for raising an Impost upon Liquors imported into this Her Majesty's Island.



No 10.

An Act for regulating the Vestries.

Vestrymen,
&c. to be
elected every
Year in Ea-
ster-week.

WHEREAS it is highly necessary that there should be Vestries chosen for every Parish in this Island, for raising Levies and Taxes, for the defraying all Charges relating to the Churches within the respective Parishes of this Island; we, Your Majesty's most humble, loyal, and obedient Subjects, the Governor in chief, Lieutenant-governor, Council, and Assembly of this Your Majesty's Island of St. Christopher's, pray Your Most Excellent Majesty that it may be enacted; and be it, and it is enacted, by and with the Authority aforesaid, That all and every the Freeholders and Householders within this Island, shall repair to their respective Parish Churches, or, for want of the same, to such Place or Places, as shall be appointed by the respective or neighbouring Justices of each Parish, every Year successively, some Day in Easter-week, and there, by free Votes, elect six of the ablest Freeholders or Householders in each Parish, to serve as Vestrymen; who, with the Minister, shall then and there choose two fit Persons to serve as Church-wardens, one to be elected or nominated by the Vestry, the other by the Minister.

Their Duty.

II. AND be it enacted by the Authority aforesaid, That they, the Vestrymen and Church-wardens, or the major Part of them, have hereby full Power and Authority to manage all Business of the said Parish; to settle Rules, and assess

assess Rates, for the defraying Parish Charges; and to settle all the Fees and Perquisites of the Ministers, Clerks, and Sextons; and build and erect Churches, out of the Fund so raised by them; and to discharge and perform all other Duties, in Behalf of their said Parishes, or belonging to their Offices, and the Trust reposed in them; and the said Rates so made by them, being published on *Sunday* in the said Parish Churches, or other Places appointed for God's Worship, shall be deemed firm and authentick: And in Case of any Person's refusing to pay his Proportion of the said Rates, upon a reasonable Demand, Executions, under the Hands and Seals of the Commander in chief, Lieutenant-governor, or President, to be granted for levying and paying the same; and whatsoever Goods shall be attached, at the Expiration of ten Days after the Attachment, shall be sold at publick Outcry, at the Gate or Entrance of the Church-yard, by the Church-wardens of the said Parish; and if there be any Overplus, the same shall be returned to the Owners thereof.

III. AND whereas, for want of a Minister in several Parishes, Church-wardens and Vestrymen have not been hitherto regularly chosen in *Easter-week*, and may chance hereafter to be neglected on the like Occasion; be it therefore enacted by the Authority aforesaid, That all Church-wardens and Vestrymen, now acting as such in their several Parishes, although not chosen on *Monday* in *Easter-week*, be fully confirmed in all the Powers and Authorities granted by this Act; and continue to act as such until *Easter* next, when a new Election shall be: And if a Minister shall be at any Time presented to a Parish, where there shall happen to be no Church-wardens and Vestrymen ready chosen, then shall all and every the Freeholders and Housholders within the said Parish, upon due Notice to be given them by a Justice of Peace, forthwith proceed to the Election and Nomination of a Vestry and Church-wardens, according to the Directions of this Act; and the Persons so chosen, shall remain in such Office until the *Easter* after.

Clause to confirm Vestrymen, &c. chosen before this Act.

IV. AND be it further enacted by the Authority aforesaid, That in every Parish Church shall be kept two large Paper Books, for the publick Service of the said Parish; one whereof shall be kept for the Parish Accounts, by the Church-wardens, the other as a Register for Christnings, Marriages, and Funerals, to be kept by the Minister only; and the Church-wardens are and shall hereby be obliged to deliver up and balance their Accounts with the Gentlemen of the Vestry, at their being discharged of the said Office.

Two Books to be kept in every Parish Church.

V. AND be it further enacted, That no Persons shall be compelled to serve as Church-wardens longer than for one Year successively, from the Time of their being elected, either by a Continuance, or a succeeding Election: And whatsoever Default shall be made by any Church-wardens, in collecting all the Rates and Assessments made by the Vestry, shall be made good by them, or either of them so neglecting. Provided always, That an Execution be granted and lodged in their Hands to that Purpose, as is before provided; and in Case of Non-performance, the same shall be levied on their Goods and Chattels, by Warrant under the Hand and Seal of the Commander in chief, Lieutenant-governor, or President of the Council for the Time being, directed to the Provost-marshal, or his lawful Deputy.

Church-wardens not to serve above a Year.

VI. AND be it further enacted by the Authority aforesaid, That the Minister and Church-wardens, or any of them, have hereby full Power, as Occasion shall require, to summon and convene, at the Parish Churches, or Places appointed, as aforesaid, the respective Vestrymen, to debate and consult about the Parish Affairs; and whatsoever Vestrymen, Church-wardens, or other Officers required to appear, Notice being given at his or their Houses, shall fail to meet accordingly, such Excuse not being given or sent as the Minister and Vestry shall approve or allow of, such forfeit Twelve Shillings; to be levied by Warrant of Distress from the next Justice of the Peace, to be directed to the next Constable; and the same to be applied to the Use of the Poor of such

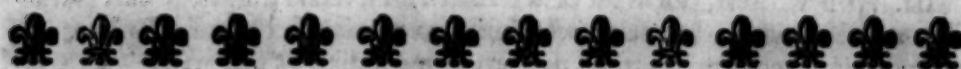
Minister and Church-wardens to convene Vestrymen.

1711.

Penalty on
refusing to
serve when
elected.

such Parish; the Constable to be allowed one third Part for his Trouble; and in Case of Refusal, to be committed to the common Gaol, until he shall perform the same.

VII. AND be it further enacted by the Authority aforesaid, That whatsoever Persons shall duly be elected, either for Vestrymen or Church-wardens, and shall refuse to serve in the said Capacities; he or they so refusing, shall forfeit the Sum of Twelve Pounds current Money of this Island; to be recovered by the Church-wardens in an Action of Debt in any Court of Record in this Island, which shall be for the defraying of the publick Charge of the said Parish; wherein no Essoign, Protection, or Wage in Law shall be allowed of.



§ 11.

An Act to oblige the Members of the Council and Assembly of this Island to meet punctually and exactly at such Time and Place, when and so often as they shall be legally summoned; as also to serve, when duly elected.

Members of
the Council
legally sum-
moned, to
meet by 9 of
the Clock in
the Morning.

Penalty on
Absence.

WHEREAS the publick Good and Welfare of this Island hath of late been very much prejudiced and detarded, for want of a due and exact Meeting of the Council and Assembly, at the Time and Place appointed by legal Authority: To the End therefore that all such Inconveniencies may for the future be removed, we, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas* Esquire, Captain-general, and Governor in chief in and over Your Majesty's Leeward Carribbee Islands in *America*, the Honourable the Lieutenant-governor, Council, and Assembly of this Island, do humbly pray Your Most Excellent Majesty it may be enacted and ordained; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That when and so often as the Council and Assembly of this Island shall be legally summoned or appointed to meet at any certain Place, each respective Member of both Houses shall, and hereby are obliged to appear, and be ready to proceed upon Business by the Hour of Nine of the Clock in the Morning (Sickness, Absence from the Island, or some extraordinary Accident or Occasion only excepted, which shall be judged and allowed, or disallowed of by the Majority of Votes, to which House such said absent Member doth belong) and the Person or Persons so adjudged absent by Wilfulness or Neglect, shall for each and every Offence forfeit and pay, if a Counsellor, the Sum of three Pieces of Eight; and if a Member of the Assembly, the Sum of eighteen Shillings current Money; to be forthwith paid and deposited into the Hands of the Clerk of each House, to be disposed of for such Uses, as by the major Part of each respective House shall be agreed upon; and in Case of Refusal, or Non-payment of any such Fines and Forfeitures of all or any such Delinquents, in Manner as aforesaid, the Marshal shall distrain for the same, by Warrant under the Hand and Seal of the Lieutenant-governor, or President of the Council, and the like Warrant from the Speaker of the Assembly.

II. AND forasmuch as the Provost-marshal of this Island, by himself or Deputy, hath often been negligent and remiss in giving timely Notice and Warning

Warning to the Members of each respective House, of the Time of their meeting, when he hath been ordered (according to his Duty) by lawful Warrant or Writ from the chief Authority of this Island to do the same; be it further enacted by the Authority aforesaid, That the Provost-marshal, or his lawful Deputy for the Time being, by himself or Deputy, shall always for the Time to come, after the Date of this Act, give and deliver Notice in Writing, under the Hand of the Clerk of the Council, unto each Member thereof at their Houses and Plantations, either personally to themselves, or some of their Families; and the like Summons or Warning to the respective Members of the Assembly, by legal Writ or Precept, under the Hand and Seal of the General, or Commander in chief, Lieutenant-governor, or President for the Time being; and that all such Notice and Summons, so given in Manner as aforesaid, shall be full twenty four Hours before the Day of meeting, unless by special Warrant, and upon emergent Occasions, it shall be otherwise appointed or directed by the Authority aforesaid: And in case the said Provost-marshal, by himself or Deputy, shall neglect or omit his Duty, by this Act enjoined him, he shall for each and every such Offence forfeit and pay the Sum of Forty Shillings; which shall be deducted, satisfied, and discharged out of his Salary or Account due to him, or which afterwards shall become due to him from the Publick of this Island, which the Treasurer for the Time being shall take Care to see done and performed, by an Order in Writing, under the Hand of the General, or Commander in chief, Lieutenant-governor, or President for the Time being.

1711.

24 Hours
Notice to be
given of such
Meeting.

III. AND whereas the Members of Her Majesty's Council, and Representatives of this Island, are at vast Charge and Expence each Time of their meeting; be it therefore enacted by the Authority aforesaid, That the said Members of the Council and Assembly for the Time being, shall, as has been allowed by a former Act to the said Purpose, lately expired, from Time to Time, be hereafter likewise allowed six Shillings current Money each and every of them, towards defraying the necessary Charge and Expence at each and every Time of their meeting; which several and respective Sums shall be satisfied and paid quarterly, by the Treasurer of this Island for the Time being, out of the Fund that shall be raised upon Tavern Licences.

Allowance of
Members.

IV. AND to the Intent the Publick Affairs may for the future be better attended, and that there may be no Deficiency for want of a due Number of Assemblymen; be it further enacted by the Authority aforesaid, That each and every Person refusing to serve as a Representative of this Island when duly elected, shall for each and every such Refusal forfeit and pay the Sum of Fifty Pounds current Money of this Island; to be recovered by Warrant of Distraint, under the Hand and Seal of the Governor in chief, Lieutenant-governor, or President of this Island for the Time being; to be levied by the Provost-marshal, or his lawful Deputy, upon the Goods or Chattels of the Offender, for the Use of the Publick of this Island, and to be lodged in the Hands of the Treasurer.

Penalty on
Persons re-
fusing to serve
as Representa-
tives.

V. PROVIDED always, and it is the true Intent and Meaning of this Act, That no Person having served one Year, shall be obliged to serve in the Assembly of this Island the Year following, nor be liable to the Penalty aforesaid; but shall stand excused for that Year, and no longer; he or they intending to be excused, certifying the same at the several Places of Election.

Proviso.

1711.

§. 12. *An Act for preserving the Freedom of Elections; and appointing who shall be deemed Freeholders, and be capable of electing, or being elected Representatives.*

Qualification
of Elections,
and Repre-
sentatives.

WHEREAS it hath not hitherto been fully and plainly ascertained how the Inhabitants of this Island shall be qualified, to render them capable to elect, or be elected Members of the Assembly; from whence manifest Disputes and Controversies have arisen: To prevent which for the future, and to obviate any indirect Practices, we, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas* Esquire, Captain-general, and Governor in chief in and over all Your Majesty's Leeward Carribbee Islands in *America*, with the Lieutenant-governor, Council, and Assembly of this Island, pray Your Most Excellent Majesty that it may be enacted; and be it enacted by the Authority aforesaid, That every white Man professing the Christian Religion, the free and natural born Subjects of the Queen of *Great Britain*, or naturalized, who hath attained to the Age of twenty one Years, and hath ten Acres of Freehold; that is to say, Who is actually seized of ten Acres of Land, in Fee-simple or Fee-tail, for Term of his own Life, or Term of another, within any Parish in this Island; or of any House, Houses, Store-houses, or any Buildings in any one of the Towns of this Island, of the yearly Value of ten Pounds current Money, which Value shall be proved by the Oaths of two credible Witnesses, or by some Lease produced and proved by any one of the Witnesses to the same, or the Oath of the Lessee (if there present) shall be deemed a Freeholder; and shall and may be capable of electing Representatives, or of being elected a Representative.

Clause relat-
ing to Joint-
tenants.

II. AND be it further enacted by the Authority aforesaid, That if it shall happen there be two or more Joint-tenant, or Tenants in common, of a Parcel or certain Quantity of Land in any Parish of this Island, or for any House, Houses, or Buildings within any one of the Towns of this Island, which Parcel of Land contains as many ten Acres, or more, as there are Joint-tenant, or Tenants in common; or which House, Houses, or other Buildings, shall be worth as many ten Pounds a Year, as there are Joint-tenant, or Tenants in common, shall be deemed a Freeholder, to all Intents, Constructions, and Purposes of this Act whatsoever: And no Joint-tenant, or Tenants in common, that shall not have for his Share ten Acres of Land, or in the House, Houses, or other Buildings, ten Pounds a Year, as aforesaid, if the same were equally to be divided, shall be esteemed a Freeholder, to any Construction or Purpose of this Act whatsoever.

Conveyances
of Land to be
recorded in
the Secretary's
Office, and
sworn to, if
required,

III. AND be it further enacted by the Authority aforesaid, That no Person whatsoever, at any Election of Representatives, shall be deemed a Freeholder, qualified to elect, or be elected a Representative, who shall produce any Bill of Sale, or other Conveyance of Lands, or other Estate, whereby he claims to be a Freeholder, in order to prove his Freehold, which shall not have been acknowledged before the Governor for the Time being, or some Justice of the Court of Common-pleas in this Island, and duly recorded in the Secretary's Office preceeding the Date of the Writ for electing of Assemblymen; and who shall not, with the Person who sold and conveyed the said Freehold (provided the said Person be then and there present) make Oath before the Person, to whom the Writ for electing Representatives is directed, who is hereby authorized and required to administer the same, if any Person present require it, or he himself shall think meet, That such Deed or Deeds

Deeds so produced by him, is, and are, *bona fide*, a real and absolute Deed or Deeds, according to the Purport thereof, without Covin or Fraud, and not made or executed to him under Colour, only to make him capable to choose, or be chosen a Representative; and that he is in actual Possession of the said Lands or Houses, and receiveth to his own Use all the Profits thereof; and is under no Promise or Obligation whatsoever, to give up or surrender the said Deed or Deeds, sold or conveyed at any Time after he shall have voted, or shall be elected: Except nevertheless, such Person or Persons, who claim to be Freeholders by any Deed or Deeds executed in *Great Britain or Ireland*, for Conveyance of any Land in this Island, and authentickly proved in *Great Britain or Ireland*, and here proved so to have been, and shall be recorded in the Secretary's Office of this Island: Except such also, who claim by any last Will and Testament, duly proved and recorded in the Secretary's Office; and the said Person, to whom the Writ is directed, is further hereby impowered and required to ask such other Questions upon Oath concerning the Freehold, and Qualification of any Person offering to elect, or standing to be elected, of him, or of the Person who sold and conveyed the Freehold, as to him shall seem meet, or shall be required by any Freeholders present.

IV. AND be it further enacted by the Authority aforesaid, That if any Person, offering to elect, or standing to be elected, shall refuse to take such Oath as above; the said Person so refusing, shall absolutely be debarred from giving his Vote for electing, or from being elected a Representative for that Time.

or the Person debarred from giving their Vote, or being elected.

V. AND be it further enacted by the Authority aforesaid, That all Writs of Election of Assemblymen shall be issued by the Governor in chief, or, in his Absence from this Island, by the Lieutenant-governor, or President of the Council for the Time being, by and with the Consent of the Council, in the usual Form, and directed to the several Members of Her Majesty's Council of this Island; and that all such Writs shall be issued forth at least seven Days before the first Day of Election; and the several Freeholders of each Parish shall be summoned three Days at least before their respective Days of Election.

Writs by whom to be issued.

VI. AND to prevent any Disputes or Mistakes in taking the Votes, the Persons, to whom the Writs shall be directed, shall, in a Paper of several Columns, set down the Names of the several Freeholders proposed to be voted for, and shall cause each Voter to subscribe his Name, or set his Mark under the Person's Name he votes for; which Paper of Votes shall be delivered unto the Representatives at their first meeting as an Assembly.

Manner of taking Votes.

VII. AND be it further enacted by the Authority aforesaid, That upon calling an Assembly, no two Divisions, or Parishes, shall choose or elect Representatives in one and the same Day; but that the Elections shall begin at the Parish of *St. Mary Cayenne*, as formerly, between the Hours of Eight and Nine, and shall continue, without Interruption, till the Votes shall be shut up and finished, which shall not be before the Hour of Twelve at Noon at soonest; and so the Parish of *Christ Church, Nichola Town, St. John Capister, St. Anne, Sandy Point, St. Thomas, Middle Island, and Trinity Palmato Point*, shall, successively, Day after Day, and at the Hours aforesaid, convene at some convenient Place within their respective Parishes, to elect Representatives for the same in the Assembly of this Island, as aforesaid.

Time of electing.

VIII. AND because every Division may not be supplied with fit and able Persons, who have their Estates of Freehold in the same, to represent the same; be it enacted by the Authority aforesaid, That whoever hath a sufficient Estate of Freehold in any one Parish of this Island, may be elected to serve as a Representative for any other Parish, although not actually seized of any Estate of Freehold within the same.

Freeholders of one Parish may be chosen for another.

IX. AND

1711.
Representatives not taking the Oaths, &c. incapable of serving.

IX. AND if any Person, returned a Representative, shall refuse to take the Oaths appointed by Act of Parliament, and subscribe the Declaration, likewise appointed by Act of Parliament, which Oaths and Declaration are also required by Her Most Sacred Majesty in Her Commission to Her chief Governor, to be taken and subscribed by every Person chosen to serve in the Assembly of this Island; and the Person refusing to take and subscribe the said Oaths and Declaration, is declared and ordered by Her Majesty to be incapable to serve in the said Assembly, although chosen; upon which Occasion, or, if any Member of the Assembly should die, or depart this Island, then the chief Governor, Lieutenant-governor, or President of the Council for the Time being, with the Advice and Consent of the Council, shall, within twenty Days after such Refusal, Death, or Departure, issue forth a new Writ, as before in this Act is appointed, for choosing another Person to serve in that Assembly, in the Place of such Member so refusing, dead, or departed this Island.

Persons violating the Freedom of Elections,

X. AND be it further enacted by the Authority aforesaid, That if any Person shall presume to violate the Freedom of Elections, by any false Returns, Menaces, or Threats, or endeavour to force any Freeholder to vote for any Person or Persons against his own Inclinations and Conscience, either by calling the Inhabitants into Arms, by making Sham-freeholders, or hire by any other indirect ways, procure any Vote; or who, after the Election is over, shall menace, despitefully use or abuse any Freeholder, because he hath voted not as he would have had him; or if any Military Officer, or Civil Magistrate, shall, by virtue of his Power and Office, endeavour or attempt to over-awe or affright any Freeholder to vote contrary to his own Conscience and Inclination; the Person or Persons offending in any of the aforesaid Instances, shall, upon due Proof made of his Violence, or other indirect Practices, before the Assembly for the Time being, who are hereby empowered to examine upon Oath any Person or Persons, and to send for Papers and Records, for Discovery thereof.

forfeit 50 l.

XI. AND whosoever shall refuse to deliver such Papers, shall be committed to Gaol, till he deliver the same, by Warrant under the Hand and Seal of any Justice of the Peace, directed to the Provost-marshal of this Island, or his lawful Deputy, who is hereby required him or them in safe Custody to keep, until he deliver the same; shall be bound over to the next general Sessions of the Peace, by any two Justices of the Peace, one whereof to be of the *Quorum*, for this Island, the Person offending in one hundred Pounds current Money, and two Sureties in fifty Pounds current Money; to be of good Behaviour, abide the Sentence of the said Court; who are hereby empowered, if the Offender or Offenders shall be found guilty, and convicted of such Offence, to impose and lay a Fine of fifty Pounds current Money of this Island, on every such Offender, and to commit the Offender or Offenders to Gaol, without Bail or Mainprize, till the same be paid; which Fine so imposed, shall be one Half to Her Majesty, Her Heirs and Successors; to be paid to the Treasurer for the Time being, for the Use of the Fortifications in this Island; and the other Half to the Party or Parties grieved.

and incapable to sit, tho' elected.

XII. AND if any Person offending as aforesaid, be chosen a Member of the Assembly of this Island, after Conviction of such illegal Practices before the Assembly for the Time being, by a Vote of the Assembly; every such Person so offending, shall be incapable to sit as a Member of that present Assembly, and be further liable to the Fines and Forfeitures, and be proceeded against, as in the foregoing Clauses is appointed.

XIII. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall causelessly, and without just Ground, inform against, charge, or impeach any Person to be an Offender against this Act; in such Case, every Person so informing, charging, or impeaching, as aforesaid, who doth

doth not make good the same; and also every Justice of the Peace, who shall refuse or neglect to do his Duty, in and by this Act enjoined and required of him, shall forfeit the Sum of Fifty Pounds current Money of this Island to Her Majesty, Her Heirs and Successors, for the Uses aforesaid; to be recovered by the Treasurer for the Time being, by Action of Debt, Bill, Plaint, or Information in the Court of Common-pleas to be held for this Island; provided such Action be brought within the three first Courts of Common-pleas which shall be held after the Offence.

1711.
Penalty on Justice neglecting his Duty.

XIV. AND to prevent perpetuating Assemblies, and the Inconveniencies that may arise thereby; be it enacted by the Authority aforesaid, That this present Assembly, nor any future Assembly to be held within this Island, shall be and continue any longer than for one whole Year from the Time of their first meeting as an Assembly, fully to be completed and ended: And the Elections hereafter to be made of Freeholders to sit in the Assembly of this Island, shall be held and deemed to continue of force no longer than for and during the Term of one whole Year, and to be reckoned from the Time of their first meeting, as aforesaid.

Assemblies to continue but one Year.

XV. AND in case any Difference or Disputes shall happen to arise about the Elections or Qualifications of Representatives, be it further enacted by the Authority aforesaid, That for the future the Truth and Legality of all Elections and Qualifications of any Member or Members, chosen to serve in the Assembly of this Island, shall be tried only by the Representatives themselves; and the Members of the Assembly shall, by Plurality of Voices, decide all such Disputes and controverted Elections, according to the Rights and Privileges of the Representatives in the Honourable House of Commons in Great Britain; and that no Practice or Proceeding to the contrary hereof heretofore had or done, shall be drawn into Example or Precedent, to the Prejudice of the People of this Island.

Disputes about Elections how to be decided.



An Act for repairing the Queen's Fortifications of Charles Fort and Brimstone-hill, and raising other Works.

Ch. 13.
Expired.



An Act for repairing Her Majesty's Highways.

Ch. 14.

WHEREAS the Highways and common Paths of this Island have of late been very much neglected, and suffered to grow out of repair, to the great Annoyance of all Travellers: Therefore, that it may be duly remedied

1711.

Two Justices
to appoint
Surveyors.Penalty on
refusing the
said Office.

Proviso.

Former Sur-
veyors to pro-
ceed till Com-
mencement of
this Act.Freeholders
to attend with
their Negroes
when sum-
moned by the
Surveyors,or forfeit 6 s.
per Day.

medied for the future, we, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas* Esquire, Captain-general, and Governor in chief in and over Your Majesty's Leeward Carribbee Islands in *America*, together with the Lieutenant-governor, Council, and Assembly of this Island, humbly pray Your Most Excellent Majesty that it may be enacted; and be it enacted by the Authority aforesaid, That all or any two Justices of the Peace in each Parish, and if there be not two Justices in any Parish, then shall the nearest two Justices meet early on the third Day of *January*, or within fifteen Days after, and, by Warrant under their Hands and Seals, nominate and appoint one or two sufficient Inhabitants of the said Parish to be Surveyor or Surveyors of the Queen's Highways, for one Year next ensuing; and every Person nominated, being duly notified thereof, shall undertake the Office, and, within ten Days, procure himself to be sworn before one or more of the said Justices, diligently and faithfully to execute the Office of Surveyor of the Highways in that Parish, for one Year next ensuing; and if any Person refuse to accept the Office, and to procure himself to be sworn, he shall forfeit and pay the Sum of Twenty Pounds; to be levied (after Refusal of Payment on Demand) by Distress on his Goods and Chattels, and Sale thereof, by Warrant under the Hands and Seals of two Justices of the Peace, directed to the Constables of the Parish; which Forfeiture shall (after Justices and Constables customary Fees first deducted) be towards defraying any Parish Charges; and in such Case the Justice shall nominate some other fit Person to execute the Office, who shall, upon like due Notice, take upon him the Office, under the same Penalty.

II. PROVIDED always, That no Person shall be liable to any Penalty, for his Refusal to serve as Surveyor of the Highways, who shall prove to the Justices of Peace, that there are other Persons legally qualified, and residing in the Parish, who have not served the said Office since himself last did, or that he fined for the same; and if such Justices shall not admit the said Plea, then the Party conceiving himself to be aggrieved, may appeal to the Governor and Council, for their final Approbation or Disallowance of such his Nomination to that Office.

III. BUT whereas this Act doth not take place until *January* next, and the Highways do at present extremely want cleaning and repairing; be it enacted by the Authority aforesaid, That the Justices in each Parish do, within ten Days after Publication of this Act, issue forth their Warrant to the several last nominated Surveyors within each Parish, forthwith to proceed, with a convenient Number of Negroes, to cleanse and amend the Highways and Paths in such Manner as they have hitherto usually done.

IV. AND be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors so appointed, shall, within ten Days after being sworn, and within three Days after all great Rains, view the several Highways in his or their Parish; and when they shall want repairing, shall issue forth his or their Warrants to the Constable or Constables of the Parish, to summon the several Inhabitants, by themselves or Overseers, to attend with such Proportion of their Negroes (not exceeding one fourth Part, according to the List last taken upon Oath by the Justices of Peace, a true Copy of which List the Justices who took the same, shall, upon reasonable Demand, deliver to the Surveyor, or forfeit the Sum of Five Pounds for such his Refusal) as he shall therein direct, with their necessary Utensils; and all Householders, who have not Negroes, to attend in Person; who at the Time appointed are to begin at one End of the Parish, and continue from Day to Day, until the lower and upper Highways, and all other common Highways in such Parishes as are opened, or shall be thought necessary to be opened by the Majority of the Freeholders, be sufficiently repaired; and whosoever shall fail to attend, by himself or Overseer, unless upon a reasonable Excuse, or neglect to send their Proportion

portion of Slaves, shall, for himself or Overseer, forfeit the Sum of Six Shillings *per* Day, and for every Slave, Three Shillings *per* Day; which if refused to be paid ten Days after demanded by the Surveyor, he shall issue forth his Warrant, directing the Constable to attach so much of the Goods and Chattels of the Party offending, as will answer the Forfeiture, with Charges; which Goods and Chattels so attached, shall be sold at publick Outcry at the Gate of the Parish Church-yard at the Expiration of ten Days, of which Notice is to be given a Week, by Publication to be affixed at the said Gate or Entrance into the Church-yard.

V. AND be it enacted by the Authority aforesaid, That the Queen's lower Highway, that leads round this Island, be at least twenty four Foot wide, and the upper, and other Parish Highways, be at least twelve Foot wide; and every Owner or Tenant, in Possession of Land joining to any Highway, who are obliged to fence next the same, shall, so often as Occasion requires, cut, trim, and keep clean all the Trees, Hedges, and Fences within their Plantations, so as the same may not encroach upon, or be a Nuisance to the Highway; and in Case of any Neglect, the Surveyor or Surveyors shall, by Warrant under their Hands, injoin the Tenants or Occupiers of the said Land to see the same performed; and if the said Tenant or Occupier shall neglect to perform the same, within ten Days after such Warrant served on them, and be thereof convicted, by the Testimony of one or more Witnesses, before any one Justice of the Peace, that then every such Offender shall be fined by the said Justice the Sum of Six Pounds current Money, and be enjoined to perform the same within ten Days next ensuing, under the further Penalty of Twelve Pounds like Money.

VI. AND be it further enacted by the Authority aforesaid, That where any Proprietor of Land hath a Right to a Path which goes through another Man's Ground below him, the same shall be laid out on the Windward or Leeward Side, at the Choice of the Person or Persons, through whose Lands the said Path did formerly go, and be made sufficient cartable, as well up as down; and if there be more than one Path through any Man's Land, then there shall be a Path laid out on each Side of the Plantation of the Person, in whose Lands the Paths do lie; but if the Proprietor of the Lands will not be at the Charge of opening Paths, as aforesaid, those that go through his Land shall be opened, and made twelve Foot wide; and where any Dispute shall arise about any Path or Paths, the Surveyors, or one of them, with two Freeholders, one to be made choice of by each Party, shall determine the same; the Surveyors to swear the Freeholders to do Justice, without Favour or Affection; and if one Party doth neglect to make choice of a Freeholder, or doth not appear at the Time appointed, the Surveyor and the Freeholder made choice of by the other Party, shall determine the Dispute.

VII. AND be it further enacted by the Authority aforesaid, That one sufficient Inhabitant of *Basseterre Quarter* shall be yearly nominated and appointed by the nearest two Justices, if there be no Justices living in the said Quarter, to act as Surveyor, according to the Directions of this Act, with the same Authorities, and under the same Penalties, as the other Surveyors are by this Act; and to have the Charge and Care of the Highways in those Quarters, from the Bounds of *Trinity Palmato Point* Parish, to the Place usually called by the Name of the *Five Paths*, but shall be constantly joined and assisted by the Surveyors of *Trinity Palmato Point*, with a Proportion of their Negroes, to cleanse and to repair the same; and the Surveyor or Surveyors of *St. Mary Cayenne* shall have the Charge of the Queen's Highways in the *French* Quarters, from *Cayenne* to the aforesaid Place, usually called by the Name of the *Five Paths*, and, with a Proportion of their own Parish Negroes, assist the Inhabitants and Negroes of that Precinct to repair the Highways to the Place aforesaid; in like Manner the Surveyor of *St. John Capister* to have the

1711.

Width of the Roads.

Penalty if Tenants neglect to trim Hedges, &c. near the Highways.

Clause relating to Paths going thro' other Persons Grounds.

Highways how to be allotted to the several Surveyors.

1711.

the Charge of, and repair the Queen's Highway in the other *French Quarter*, as far as the Hill leading down *Covent Gutt*; and in like Manner the Surveyor of *St. Anne, Sandy Point*, to have the Charge of, and repair the Queen's Highways in the said Quarter, from their own Frontiers to the aforesaid Hill, eastward of *Covent Gutt*; and the Surveyors of *Christ Church, Nichola Town Parish*, and *St. Thomas Middle Island Parish*, shall have under their Care and Charge the *Mountain Path*, and, with the Inhabitants and Negroes of the said Parishes, shall cleanse and repair the same *Nichola Town Parish*, from the Queen's Highway, above *Halfmoon Bay*, to the Bottom of *Nine-lum Gutt*; and *Middle Island Parish*, from the Bottom of the said *Gutt*, to the Queen's Highway, near the *Old Road*; and whensoever there shall be a sufficient Number of Negroes, either in *Basterre* or *White Flag Bay* Quarters, to repair their own Highways, and that they shall be appointed so to do by the Governor, Council, and Assembly of this Island, or that they shall be restored by Her Majesty to the *French King*; then the Surveyors, Inhabitants, and Negroes assisting to repair the Highways in those Quarters, shall assist in repairing the *Mountain Path*, which is then to be sixty Foot wide; but where it shall be settled, twenty four Foot; and the said Path shall continue under the Charge of the Surveyors of *Christ Church, Nichola Town*, and *St. Thomas Middle Island*, as aforesaid.

Penalty on
Constables,

Surveyors,

and Justices
neglecting
their Duty.

VIII. AND be it further enacted by the Authority aforesaid, That every Constable refusing or neglecting to execute any Precept of the Surveyors of the Highways; and any Person disturbing him or them in the due Execution of their Office, shall forfeit the Sum of Five Pounds for every Offence; to be recovered by Warrant under the Hand and Seal of a Justice of the Peace: And any Surveyor being negligent in the Performance of his Duty, shall, upon Information and Conviction thereof before any two Justices of the Peace, be fined by such Justices in their Discretion, not exceeding Ten Pounds: And if any Justice of the Peace shall refuse or neglect to perform any Duty which is by this Act required of him, such Justice, upon Conviction thereof before the Governor and Council, shall be adjudged to pay Twenty Pounds; to be recovered by Warrant under the Hand and Seal of the Governor or President for the Time being: And all Fines and Forfeitures arising by this Act, and not otherwise disposed of, shall be one Moiety to the Informer, the other for the Use of the Parish where such Default was made; to be paid to the Churchwardens of the same.

Clause relat-
ing to Da-
mages.

IX. AND be it further enacted by the Authority aforesaid, That where there shall be a Necessity, by the Highways being washed into Gutts by great Rains, or otherwise, to turn the Highway into any Man's Lands, which may be a Prejudice to the Proprietor of the Land, in such Case the Surveyor and two Freeholders are to agree with the Proprietors for the Land which may be taken up for the Highways; and if the Proprietor will not come to an Agreement, or be absent from the Island, then the Surveyor and Freeholders shall appraise the Land, and Damage the Owner or Possessor, or both, may sustain by the Highways being turned, and report the same to the Treasurer for the Time being upon Oath, who shall deduct the same out of the Levies of the Persons damnified.

An

1711.

An Act for subjecting that Part of this Island which was lately called the French Ground, to the Civil Government. No 15. Expired.



An Act for laying a Duty on Tonnage of Vessels trading to this Island, and on Sugars exported to any of the other Islands in this Government, for the Use and Supply of Her Majesty's Fortifications. 1712. No 16. Expired.



An Act for laying a Duty on Tonnage of Vessels trading to this Island, and on Sugars exported to any of the other Islands in this Government, for the Use and Supply of Her Majesty's Fortifications. 1713. No 17. Expired.



An Act for all publick Officers putting Security. No 18.

WHEREAS the Inhabitants of this Island are truly sensible of the great and many Inconveniencies which may redound unto them by reason of the Provost-marshal and other Officers Neglect and Carelessness in the due Execution of his and their Offices, and Performances of Business incident thereunto, in regard that formerly there hath not been sufficient Security given to make good such Damages as the said Inhabitants do or shall sustain by them or their Substitutes; For Remedy whereof for the present, and Prevention of the like Inconveniency for the future, we, Your Majesty's most dutiful and loyal Subjects, *Walter Douglas* Esquire, Captain-general, and Governor in chief of all Your Majesty's Leeward Caribbee Islands in *America*, the Honourable

L

the

1713.
Treasurer,
&c. to give
Security for
the just exe-
cuting of their
Offices,

the Lieutenant-governor, Council, and Assembly of St. Christopher's, humbly pray Your Most Excellent Majesty it may be enacted; and it is hereby enacted and ordained by the Authority aforesaid, That no Treasurer, Secretary, or Marshal, or Deputy-secretary, or Deputy-marshal of this Island, be admitted or held capable to execute the Office of Treasurer, Secretary, or Marshal, or Deputy-secretary, or Deputy-marshal, within this Island, without having first put in Security, such, against which no Exception can be taken, and such as shall be approved of by the chief Governor, Lieutenant-governor, or President of the Council, and Council, and to be repositied in the Secretary's Office, payable to our Sovereign Lady the Queen, and Her Successors, for their honest and just Demeanor in executing their said Offices.

in a Bond for
5,000 l.

II. AND be it further enacted and ordained by the Authority aforesaid, That the Bond the Treasurer shall give, be for five thousand Pounds current Money, under the Condition hereafter expressed; that is to say,

THE Condition of this Obligation is such, That if the above bounden A. B. Treasurer, shall well and truly account for, so often as he shall be thereunto required by the Commander in chief for the Time being, the Lieutenant-governor, or President, and Council of this Island, all and every such Sum and Sums of Money, Sugar, &c. which either have or shall come to his Hands, by virtue of any Act or Acts of this Island; and also pay all such Sums of Money, and Sugars, according to the Intent and Meaning, and to the Uses mentioned and directed in the said Acts; and shall in all other things demean himself, as required by the Laws of this Island; that then this present Obligation to be void, otherwise to remain in full force and virtue.

and given in
30 Days, &c.

Which Bond shall be given within twenty Days after Publication of this Act: And in Case the present Treasurer shall presume to act in the said Office after the Time limited by this Act for entering into Bonds; or any other Treasurers, who shall be hereafter nominated, who shall presume to act before giving such Bond, he or they shall forfeit the Sum of Two thousand Pounds current Money.

Secretary's
Bond to be
for 1,000 l.

III. AND be it further enacted and ordained by the Authority aforesaid, That the Bond the Secretary or Deputy-secretary shall give, be for one thousand Pounds current Money of this Island, under the Condition hereafter expressed; that is to say,

THE Condition of this Obligation is such, That if the above bounden Secretary and Marshal shall well and faithfully perform and discharge the Trust reposed in them, according to each of their respective Offices and Trusts; that then this Obligation or Obligations shall be void, or else remain in full force and virtue.

and given in
30 Days, &c.

Which said Bond or Bonds shall be given within twenty Days after Publication of this Act: And in case either the said Secretary or Marshal, Deputy-secretary or Deputy-marshal, shall presume to act in either of their said Offices or Trusts, after the Time limited by this Act for entering into Bonds; he, the said Secretary, or Deputy-secretary, shall forfeit the Sum of Four hundred Pounds; and the Marshal or Deputy-marshal, the Sum of Four hundred Pounds current Money; and in like Manner any successive Secretary or Marshal, or Deputy-secretary or Marshal for the Time being, who shall presume to act in such their respective Office before giving the Bond required by this Act, shall forfeit the Sum of Four hundred Pounds current Money.

Penalties how
to be disposed
of.

IV. AND be it further enacted and ordained by the Authority aforesaid, That all the Penalties mentioned in this Act, and not declared how they shall be disposed of, and in what Manner to be recovered, shall be two thirds to

our

our Sovereign Lady the Queen, Her Heirs and Successors, for repairing Her Majesty's Fortifications, and Support of the Government of this Island; and the other third to the Informer, or him that shall sue for the same; to be recovered by Bill, Plaint, or Information in any Court of Queen's-bench within this Island, wherein no Essoign, Protection, Wager of Law, *Non vult ulterius prosequi*, or Injunction shall be allowed.

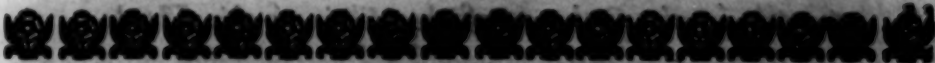
V. PROVIDED always, That nothing in this Act contained shall be construed to lessen Her Majesty's Prerogative in any Respect whatsoever.

1713.



An Act to revive an Act, intituled, An Act for subjecting that Part of the Island which was lately called the French Ground, to the Civil Government.

1714-15
Expired



An Act for raising a Levy, to defray the publick Debts of this Island.

1714-15;
1720.
Expired,



An Act for raising an Impost upon Liquors imported into this His Majesty's Island, &c.

1721
Expired

An

1714-15.

1714-15.
Expired.

An Act for raising of Gunpowder and small Arms on Tonnage of Vessels, for the Use of His Majesty's Fortifications within this Island.

1715.
Expired.

An Act for selling of Strong-liquors by retail, and taking out Licences.

1715.
Expired.

An Act for the settlement of the Militia of this Island.

1715.
Expired.

An Act to ascertain the Bounds of Possessions in the late French Part of this Island.

1716.
Expired.

An Act for laying a Duty on Sugars exported to any of the other Islands in this Government, for the Use of His Majesty's Fortifications.

1715-16

An Act for the good governing of Servants, ordering the Rights between Masters and Servants, and to encourage the Importation of Servants. No 17.
Enacted.

An additional Act to an Act, intituled, An Act to ascertain the Bounds of Possessions in the late French Part of this Island. No 18.
Enacted.

An Act for regulating and appointing the Fees of the several Officers and Courts in this Island. No 19

WHEREAS it is highly necessary to regulate and appoint the several Fees or Demands of the several Courts and Offices in this Island: That the same may be more certainly known, and all Exactions and unlawful Demands be thereby prevented and punished; we therefore, Your Majesty's most dutiful and loyal Subjects, *William Mathew Esquire*, Lieutenant-general, and Commander in chief of all Your Majesty's Leeward Carribbee Islands in *America*, the Council and Assembly of this Island, pray Your Most Excellent Majesty that it may be enacted; and be it, and it is enacted by the Authority aforesaid, That none of the Officers, or other Persons that now do, or hereafter shall enjoy, belong to, or officiate in any of the Offices and Employments hereafter named or expressed, shall, either by themselves, Deputies, Clerks, or Servants, after Publication hereof, neglect, refuse, or delay to give due Dispatch to all Persons whatever, and shall not receive or take, directly or indirectly, any other Fee or Fees, for any Business hereafter named, than is hereafter expressed and annexed hereto; and whatsoever Officer or Officers shall offend therein, he or they being duly convicted thereof, by the Oath of two credible Witnesses, before the Governor in Council, or before the Justices of the King's-bench in Court, shall forfeit and lose his or their Office and Place, and be held incapable to hold or enjoy the same again; and the Party grieved shall recover his Damage on such Officer or Officers by Action at Common Law.

II. AND to the Intent that all due Order may be herein kept and observed, and that the Inhabitants of this Island may not be ignorant thereof, be it further enacted by the Authority aforesaid, That the Chief Justice's and the Secretary's Fees and Prices thereof, according as they are in this Act annexed, set down, and expressed, be fairly ingrossed, hung up, and constantly kept in the

Officers to give Dispatch

not to take or ther Fees than allowed of.

A Table of Fees to be kept in the Secretary's Office.

1715-16. the Secretary's Office; and the several Fees of all other Officers, and Prices thereof, as hereto annexed and expressed, be severally fairly ingrossed, and hung up in their several Offices or Places where the Business belonging to the said Office is usually done; and whatsoever Officer or Officers shall neglect or refuse to have such Tables of their respective Fees prepared within thirty Days after Publication of this Act, and thenceforth constantly hung up, as before directed, shall forfeit and pay the Sum of Ten Pounds current Money; to be recovered against him by any Person who shall inform or sue for the same in any Court of Record in this Island.

Clause relating to Fees not mentioned in the Table.

III. AND it is further enacted by the Authority aforesaid, That for any Business, or Thing to be done by any Secretary, Marshal, or other Officer, and not particularly comprized, mentioned, and rated in this Act, it shall be lawful for the Secretary, Marshal, or other Officer acting the same, to take and receive a reasonable Fee for the same, in Proportion to other Services performed by him whose Prices are rated in this Act.

Governor to settle any further Fees.

IV. AND it is further enacted by the Authority aforesaid, That the chief Governor, Lieutenant-governor, or President of the Council, and Council and Assembly, may at any Time hereafter settle and establish any further Fees, which may happen to be omitted and unthought of at present; and such additional Docket, or Table of Fees belonging to any Office or Offices, being signed by the chief Governor, Lieutenant-governor, or President of the Council, and Speaker of the Assembly for the Time being, shall have the same Force, as if they had been really expressed, comprized in, and made Part of this Act, and Offenders against the same be liable to the same Penalty as directed in this Act; any Law, Custom, or Usage to the contrary notwithstanding.

A Docket of Fees for the several publick Offices of this Island, as they are established by the Governor, Council, and Assembly.

Chief Justice's Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
FOR any Writ whereunto his Hand and Seal is affixed,	0	06	00
For a Deposition in Writing,	0	06	00
For an Evidence sworn in Court,	0	01	06
For a Nonsuit or <i>Retraxit</i> ,	0	01	06
For Judgement granted,	0	01	06
For signing an Execution,	0	06	00
For taxing of a Bill of Costs,	0	06	00
For a Feme-covert's acknowledging of a Deed before him,	0	12	00
For a Probate of any other Deed,	0	06	00

Secretary's Fees.

For entring of an Action,	0	03	00
For a Warrant of Summons, or any other Warrant or Writ, each,	0	03	00
For entring an Impar lance,	0	01	06
For an Evidence sworn in Court,	0	01	00
For amending a Record by Order of Court,	0	03	00
For entring Pleas of Attorneys,	0	01	06
For entring a Judgment,	0	01	06

For

	<i>l.</i>	<i>s.</i>	<i>d.</i>	
For entering a Nonsuit or <i>Retrait</i> ,	0	01	06	1715-16.
For Copy of a Verdict,	0	01	06	
For ditto of a special Verdict,	0	06	00	
For a Commission to Auditors,	0	06	00	
For filing the Auditors Return,	0	01	06	
For entering a <i>Scire facias</i> ,	0	04	06	
For drawing a Bill of Costs,	0	01	06	
For filing Reasons and Demurrers in Arrest of Judgement,	0	03	00	
For filing an Injunction,	0	01	06	
For Dismission from Chancery,	0	01	06	
For drawing a Writ of Error,	0	10	00	
For recording and filing the same,	1	00	00	
For recording the Action,	0	04	00	
For ditto the Declaration,	0	10	00	
For ditto the Issue, Plea, and Demurrer,	0	10	00	
For ditto the <i>Scire facias</i> ,	0	10	00	
For ditto the Assignment of the Error,	0	04	00	
For ditto the <i>Scire facias</i> to hear the Error,	0	04	00	
For attesting the Record,	0	08	00	
For drawing a new <i>Scire facias</i> to hear the Error,	0	04	00	
For an Execution,	0	06	00	
For searching the Records,	0	03	00	
For Copy of an Action, and Proceedings of the Court to the Jury,	0	04	06	
For perusing of an Act, or other publick Writing, to the Inhabitants, <i>gratis</i> ; but to Strangers,	0	03	00	
For recording of a Mortgage,	0	12	00	
For ditto of Indentures for an Apprentice,	0	06	00	
For ditto of Grants of Land,	0	06	00	
For recording of Patents,	1	10	00	
For a Reference of Court to Auditors,	0	01	06	
For Copy of an Act, or other Instrument of Writing not comprized in this Table of Fees, for each Side of Paper close written,	0	03	00	
For any Certificate,	0	01	06	
For setting up a Name in the Office,	0	00	09	
For making out a Ticket,	0	02	03	
For any Bond,	0	04	06	
For recording a Bond or Bill,	0	04	06	
For underwriting a Person going off the Island for any Sum whatsoever,	0	06	00	
For recording a Bill of Sale, or Deed of Gift,	0	12	00	
For Licence to sell Drink,	0	07	06	
For drawing and recording a Protest,	0	15	00	
For Copy of ditto,	0	09	00	
For writing a Deposition, or recording ditto,	0	03	00	
For Copy of the same,	0	03	00	
For filing a Declaration or Plea,	0	01	06	
For Copy thereof,	0	06	00	
For recording a Letter of Attorney,	0	09	00	
For ditto the Probate thereon,	0	03	00	

Clerk

1715-16.

Clerk of the Peace's Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For an Indictment, ———	0	12	00
For a Copy thereof, ———	0	06	00
For every Presentment by the Grand Jury, ———	0	02	03
For filing each Recognizance, ———	0	01	06
For clearing by Proclamation, ———	0	03	00
For a <i>Subpœna</i> for a Witness, ———	0	03	00
For a Recognizance, ———	0	06	00
For every Summons to the Sessions, ———	0	03	00
For every Order or Judgement of the Sessions, ———	0	03	00
For every Traverse, ———	0	06	00
For Copy of Judgement of Sessions, or Traverse, each, ———	0	03	00
For a Writ of Error, ———	0	10	00
For every Warrant of the Peace, ———	0	03	00
For every <i>Certiorari</i> , ———	0	10	00
For every Writ of Restitution, ———	0	03	00
For every <i>Superfedeas</i> , ———	0	03	00

Clerk in Chancery's Fees.

For copying Bill and Answer, eight Words to a Line, twelve Lines to a Sheet, each Sheet, ———	0	03	00
For a <i>Subpœna</i> for Witnesses, ———	0	03	00
For administering an Oath, ———	0	01	00
For an Attachment for the Defendant to appear, ———	0	03	00
For entering the Sheriff's Return, ———	0	03	00
For Proclamation on the same, ———	0	03	00
For a Commission of Rebellion, ———	0	12	00
For the Rule the Plaintiff gives the Defendant to make Answer by, ———	0	03	00
For a Commission to examine Witnesses, ———	0	09	00
For a <i>Subpœna</i> for Costs given the Defendant, in case the Plaintiff puts not in his Bill, ———	0	03	00
For a Bill of Costs, ———	0	01	06
For filing a Replication or Rejoinder, or Surrejoinder, ———	0	01	06
For Copy of a Deposition, not exceeding one Side of a Sheet of Paper, 3 s. if more, 3 s. each Side, ———	0	03	00
For filing each Deposition taken by Examiners, ———	0	01	06
For making an Order on any Motion, ———	0	01	06
For Copy of an Exemplification of an Action, ———	0	06	00
For ditto the Minutes of the same, ———	0	03	00
For ditto of an Exemplification of a Complaint, ———	0	01	00
For ditto the Minutes of the same, ———	0	00	06
For entering a Decree, ———	0	06	00
For an Execution, ———	0	06	00

Clerk of the Ordinary's Fees.

For Licence of Marriage, ———	0	06	00
For Letters of Guardianship, ———	0	06	00
For recording ditto, or Copy thereof, ———	0	06	00

For

	<i>l.</i>	<i>s.</i>	<i>d.</i>	
For Letters of Administration, _____	0	06	00	1715-16
For recording ditto, or Copy thereof, _____	0	06	00	
For Warrants of Appraisment, _____	0	06	00	
For recording of ditto, or Copy, _____	0	06	00	
For Probate of Wills, _____	0	06	00	
For a Bond, _____	0	04	06	
For recording of an Inventory, and Return of Appraisers, _____	0	06	00	
For Copy of ditto, _____	0	06	00	
For recording of a Will, _____	0	09	00	
For Copy of ditto, _____	0	09	00	
For drawing an Order on a Petition or Copy, _____	0	03	00	
For filing a Petition, _____	0	01	09	
For a <i>Caveat</i> on Administration and Recording, _____	0	09	00	
For a Copy of ditto, _____	0	04	06	

Justices of the Peace, and their Clerks Fees.

For every Indictment for a Riot, before a private Justice, _____	2	00	00
For a Warrant, _____	0	06	00
For the Clerk's writing the Warrant, _____	0	03	00
For a Recognizance, _____	0	06	00
For drawing a Recognizance, _____	0	03	00
For every Witness sworn before him, _____	0	01	00
For each Examination in writing, _____	0	03	00
For Discharge of a Recognizance, _____	0	01	00
For an Order, in Matters of Difference determined by them, between Masters and Servants, &c, _____	0	06	00

Naval Office Fees.

Report in the naval Office, _____	0	07	06
For the Bond, _____	0	12	06
For recording a Register, _____	0	06	00
For a Letpals for a Vessel to go out of the Government, _____	0	12	06
For recording Certificate of Bond given in Great Britain, _____	0	03	00
For cancelling naval Bond, _____	0	03	00
For a Permit for a Vessel to fail, _____	0	01	06

Coroner's Fees.

For every Inquest <i>Super visum Corporis</i> , taking Depositions, and returning the Inquest, _____	5	00	00
For the Chirurgeon for his View on a Body by accidental or violent Death, _____	1	00	00
But to ditto, in case he opens the Body, with Return of his Report, _____	3	00	00
These Fees to be paid out of the Estate of the Party deceased, or, for want thereof, by the Publick: And in all Cases where he serves or executes any Writ or Process instead of the Provost-marshal, he shall receive the same Fees, as the Provost-marshal receives in the like Cases.			

1715-16.

Marshal's Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For serving each Summons to Court upon any Action, or otherwise,	0	03	00
For ditto each Summons and Declaration,	0	09	00
For every Jury impannelled, he paying each Jurymen out of it,	1	18	00
For attending the Jury each Action,	0	01	00
For a Nonfuit or <i>Retraxit</i> each Action,	0	01	06
For each Witness sworn before the Council, or in Court,	0	00	09
For a Judgement in Court, and Return,	0	03	00
For serving each Execution under 30 <i>l.</i>	0	10	00
For ditto every Execution for Debt above 30 <i>l.</i> at the Rate of 1 <i>l.</i> per Cent.			
For serving each <i>Scire facias</i> ,	0	03	00
For serving any Warrant of Appraisment,	1	00	00
For ditto a Writ of Partition upon a Judgement of Court by Jury, and attending and making Return,	3	00	00
For impannelling and attending a Jury of View of Damage and Waste,	2	10	00
For serving any Warrant of Possession,	1	08	00
For giving a Bill of Sale of any Thing,	0	18	00
For each Commitment, either by the Council or in any Court,	0	06	00
For each Release of the same,	0	03	00
For each Warrant of Arrest on board of Ship,	0	12	00
For executing a Warrant of Search on board of Ship, &c.	0	09	00
For serving a Warrant of Arrest on Shore,	0	06	00
For ditto a Warrant of Search,	0	06	00
For ditto each special Warrant,	0	06	00
For ditto each Warrant of Contempt and Return,	0	06	00
For ditto a <i>Subpœna</i> from either or any Court for each Person to be paid,	0	03	00
For serving each <i>Superfedeas</i>	0	03	00
For executing a Writ of <i>Habeas Corpus</i> , each Day you have the Person upon it,	0	03	09
For serving a Warrant <i>ad Respondendum</i> ,	0	03	00
For executing a Writ of <i>Withernham</i> ,	0	06	00
For a Warrant of Complaint,	0	06	00
For raising the Posy,	5	00	00
For each Person bound to the Peace or good Behaviour, or indicted or called to Sessions thereupon,	0	04	06
For executing a Writ of <i>Replevin</i> and Return,	0	06	00
For receiving a Felon into Custody,	0	03	00
For discharging the said Felon out of Prison,	0	01	06
For discharging each Person bound by Recognizance to any Sessions,	0	01	06
For discharging each and every Presentment,	0	03	00
For every common Commitment,	0	03	00
For Release of the same,	0	01	06
For each Prisoner for every 24 Hours, one Pound of Beef and one Pound of Bread,	0	01	06
For each Bond taken,	0	04	06
For serving each Commission of Rebellion and Contempt out of Chancery,	1	04	00

For

	<i>l.</i>	<i>s.</i>	<i>d.</i>	
For executing a Decree out of Chancery as other common Executions, ————				1715-16.
For serving every Summons of the Parties concerned to the Admiralty, and Return, ————	0	06	00	
For serving each and every Attachment out of the Admiralty, where no Condemnation, ————	0	12	00	
For every Warrant of Contempt and Return out of the Admiralty, ————	0	06	00	
For serving the Decrees, Libels, and Orders of the said Court, where no Condemnation, ————	1	17	06	
For the whole Trial and Proceedings to Condemnation of any Ship, &c. if condemned in the Admiralty, whether Prize or otherwise, ————				
For the whole Trial, &c. and Condemnation of any Sloop, or on any Goods, Slaves, or Merchandize condemned in the Admiralty, whether Prize or otherwise, ————				
For executing any Christian Man or Woman, to be paid out of the Treasury, ————				
For executing any Negro, 500 <i>lb.</i> of Sugar.				
For each run-away Negro or Slave, taken up and brought to the Marshal, he to pay the Bringer 12 <i>s.</i> and 9 <i>d.</i> per Mile,				
For every 24 Hours Imprisonment, ————	0	01	00	

Constable's Fees.

For serving a Warrant, ————	0	06	00
For each Witness summoned by him, ————	0	03	00
For serving a <i>Mittimus</i> to carry a Person to Gaol, ————	0	12	00
For traveling Charges, 12 <i>d.</i> per Mile, ————			
For every Writ served by him to summon in the Freeholders or Parishoners, to be paid by the Church-wardens, ————	0	06	00
For summoning each Juror or Evidence on an Inquest, to be paid by the Coroner, ————	0	00	06



An Act to repeal a Clause in the late Common Law Act.

1716.
30.
Expd.

An

1716.

No 31.
Expired.

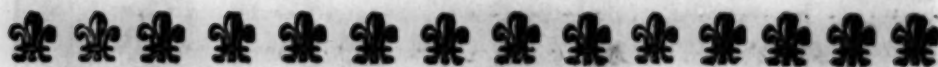
An Act to explain Part of an Act, intituled, An Act for the settlement of the Militia of this Island.

No 32.
Private.

An Act to enable William Mathew Esquire, an Infant, under the Age of twenty one Years, to convey a certain Parcel of Land in the Island of St. Christopher's, called Brimstone-hill, and to vest the Inheritance thereof in His Majesty, for the Use of the Fortifications of this Island; and for settling other Lands therein mentioned upon the said William Mathew, and his Heirs, in lieu thereof; and for the Payment of five hundred Pounds unto the Honourable William Mathew Esquire, his Father, in Consideration of the same; and for other Considerations therein mentioned.

No 33.
Expired.

An Act to prevent Danger that may happen by Fire in any of the Towns within this Island.

No 34.
Expired.

An Act for raising a Levy, to discharge the publick Debts of this Island.

An

An Act for raising a Tax on Trade, to defray the publick Charges of this P^o of the Island of St. Christopher. 1710. Expired.



An Act to empower the Surveyors of the Highways to turn the windward 1717.
common Path to the Eastward of Clay-hill, in the Quarter of Bassc. D^o 36.
terre.

WHEREAS the Cartage of Sugars, from the Windward to the Shipping Place at *Basseterre*, on the Leeward Side of this Island, is rendered very troublesome and difficult, by Means of the common Path's running directly over a Place in the Midway called *Clay-bill*, which is both steep and stony: And whereas it is very obvious and apparent, that a Path formerly did lead more to the Eastward, and through the Land now in the Possession of *Humphry Sheppard*, and was it opened again, would be of very great Ease and Advantage to the Inhabitants that cart Sugars that Way, as it is capable of being made more level and smooth: We therefore, Your Majesty's most dutiful and loyal Subjects, the Governor in chief in and over all Your Majesty's Leeward Carribbee Islands in *America*, the Council and Assembly of *St. Christopher's*, humbly pray that it may be enacted; and be it, and it is hereby enacted and ordained by the Authority aforesaid, That from and after the Day of the Date of this Act, it is and shall be lawful for the Surveyors of His Majesty's Highways, in the Quarter of *Basseterre*, for the Time being, or either of them, to open and cleanse the Path formerly running from the South Side of *Comma-ree Pond* to the Eastward of the said *Clay-bill*, and so through the Land now in the Possession of *Humphry Sheppard*, unto the common Path leading to *Basseterre*, and the same to make at least twenty four Foot wide; and the said Surveyors are hereby obliged and required, within twenty Days at farthest aforesaid, under the Penalty of forfeiting for their Neglect Thirty Pounds; to be levied (if Payment be refused) by Distress on their Goods and Chattels, and Sale thereof by Warrant under the Hands and Seals of two Justices of the Peace, directed to any Constable of the said Quarter of *Basseterre*; which Forfeiture shall (all Fees being deducted) be towards defraying Parish Charges.

II. AND be it further enacted by the Authority aforesaid, That whatsoever Damage the said *Humphry Sheppard*, or any other Person shall sustain in their Improvements on the said Land by turning the said Path, shall be appraised by two sufficient Persons, one to be appointed by the Surveyors of the Highways, and one by the Persons concerned; which Appraisalment shall be returned under the Hands and Seals of the Appraisers to the Treasurer of the Island for the Time being, who is hereby required to pay the Sum of the said Appraisalment to the Person damnified, without any further Warrant for the same.

**Surveyors to
make a Path
24 Foot wide,**

Under the Penalty of 30/-

Damages to be made good.

1718-19.

No 37
Aspirer,

An Act for holding the Courts of King's-bench and Common-pleas of the Island of St. Christopher's at Sandy Point and Basseterre.



No 38. *An Act for the general Quiet of the Inhabitants of the Island of St. Christopher's in their Estates and Possessions, and for avoiding of vexatious Law-suits.*

WHEREAS this Island hath twice within the Memory of Man been subjected to the Conquest of a Foreign Enemy, and the Inhabitants transported to other Islands; and by the unhappy Consequences thereof, as well as by the frequent Accidents of Hurricanes and Fires, the particular Tenures and Estates in the Island have not only been strangely transferred from one Owner to another, but many People have lost all their Writings, Deeds, Conveyances, and other Evidences of the Lands and Tenements, of which they or their Ancestors have been for many Years last past lawfully and quietly seized and possessed; and even the publick Records have been so defaced, torn, or intirely lost, that no Recourse can in many Cases be had thereunto; so that the present Proprietors or Owners of Lands, Tenements, and Hereditaments, are or may be liable to many vexatious Suits, and put to great Difficulties to prove their respective Titles to the same: For Remedy whereof, and to the Intent that the Rights and Titles of Your Majesty's loyal Subjects of this Island to their Estates and Possessions might be established and confirmed, and the Inhabitants be thereby encouraged to a thorough Settlement thereof, Your Majesty's most dutiful and loyal Subjects, *Walter Hamilton Esquire*, Captain-general, and Governor in chief in and over all Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of the said Island, do in all humble Manner pray Your Most Excellent Majesty that, of Your gracious Disposition, it may be enacted, and be it, and it is enacted by the said Captain-general and Governor in chief, and the said Council and Assembly, That no Title of Your Most Sacred Majesty shall be revived or put in Suit on account of the Re-conquest of this Island, but that every Proprietor of Lands, Tenements, or Hereditaments within the same shall be deemed and adjudged legally re-instated in, and vested of such Estate therein, as he or his Ancestors, or he or they whose Estate he hath, had, or might claim at the Time of the said Island's being surrendered to the *French*, in the Year of our Lord One thousand six hundred eighty and nine.

II. AND be it further enacted by the Authority aforesaid, That all and every Person and Persons possessing any Lands, Tenements, or Hereditaments within this Island, and who, or their Ancestors or Predecessors, or other Person

The King's Title to any Lands not to be revived on account of the Re-conquest of the Island.

Person or Persons, whose Heirs they are, or whose Estate they have, or claim, have had quiet Possession thereof, without legal Interruption, for the Space of ¹⁷¹⁸⁻¹⁹ five Years next before the Beginning of the aforesaid War, in the said Year One thousand six hundred eighty nine, and who have possessed and enjoyed the same from the Re-conquest of the said Island by the *English* to this present Time, without any legal Hindrance thereto, or Claim thereof made in any Court of Record in this Island, shall be deemed and taken, and they, their Grantees, Assigns, and Devisees, are hereby declared to be

What Term of Years shall be deemed to give an indefeasible Right to any Lands, &c.

rightfully and lawfully seized of an indefeasible Estate of Inheritance in Fee-simple, of and in such Lands, Tenements, and Hereditaments, as effectually, to all Intents and Purposes, as if such Ancestor, Predecessor, or other Person or Persons, had been seized thereof in Fee-simple, by and under the most firm Conveyance and Assurance in Law whatsoever; any Law or Statute to the contrary in any wise notwithstanding.

III. PROVIDED nevertheless, if any Person or Persons, that is or are intitled to such Lands, Tenements, or Hereditaments, or that have Right or Title of Entry therein or thereunto, be at the Time of the making of this Act, within the Age of twenty one Years, Feme-covert, *Non compos mentis*, imprisoned, or beyond the Seas (that is to say, not living nor dwelling within any of the said Leeward Caribbee Islands) that then such Person or Persons shall or may bring his Action, or make his Entry, as he might have done before this Act, so as such Person or Persons shall, within three Years next after his or their full Age, Discoverture, coming of sound Mind, Enlargement out of Prison, or coming into this Island, take Benefit of, and sue for the same, and at no Time after the said three Years.

Clause relating to Non-age, &c.

IV. PROVIDED also, That nothing in this Act contained shall extend to, or be construed to vest or give any Estate of Inheritance in or to any Tenant in Dower, or Tenants for Life or for Years, of or in any Lands, Tenements, or Hereditaments, or to any Person or Persons, claiming or to claim by or from them, or any of them; but that every Person or Persons, who have, or shall or may have the immediate Right to the Reversion, Remainder, or Inheritance of or in such Lands, Tenements, or Hereditaments, so held as aforesaid, expectant upon the Determination of such particular Estate or Estates, shall and may, at any Time within twenty Years next after the Determination of such Estate, and if such Estate or Estates be already determined, within twenty Years next after the Date of this Act, make their Entry into such Lands, Tenements, or Hereditaments, and prosecute such their Right thereto; any thing in this Act contained to the contrary notwithstanding.

Proviso.

V. AND whereas, upon the Reducement of this Island by the *French*, in the Year One thousand six hundred sixty six, several Subjects of the Crown of *France* did, for very small Considerations, purchase, or pretend to purchase of and from the Subjects of the Crown of *Great Britain*, several Plantations and Tracts of Land, Tenements, and Hereditaments, lying and being in that Part of the said Island, commonly called or known by the Name of the *English Quarters*, which said Plantations or Tracts of Land, Tenements, and Hereditaments, by the Articles of Peace and Friendship concluded and agreed upon by and between the said two Crowns at *Breda*, in the Year One thousand six hundred and sixty seven, were ascertained and confirmed to such *French* Purchasers, unless the then former *English* Proprietors, by a certain Day in and by the said Articles of Peace limited, and for that Purpose appointed, did repay the Price of the first Purchase, and for all Meliorations or Improvements made thereon by such *French* Purchasers; which many failing or neglecting to do, the *French* remained possessed thereof, till they, for valuable Considerations, sold the same again to the *English*, or otherwise forfeited the same; by and under which second Purchases or Forfeitures many Plantations and Tracts of Land, Tenements, and Hereditaments are now held in this Island: Be it therefore enacted by

1718-19.

Assignments
of Lands by
the French to
be deemed
valid in Law.

by the Authority aforesaid, That all and singular Conveyances, Assurances, and Assignments of Lands, Tenements, or Hereditaments, made by the said *French* Subjects, or by any other, who were or was in Possession of such Lands, Tenements, or Hereditaments, after the Expiration of the Time limited in and by the aforesaid Articles of Peace and Friendship, for Redemption thereof, shall be, and hereby are declared to be good and valid in the Law; and all Grants, and Letters Patents, made under the Great Seal of the said *Leeward* Islands, of Lands, Tenements, or Hereditaments, so forfeited by such *French* Subjects, or any of them, before the said Year One thousand six hundred eighty nine, shall be, and likewise are hereby declared to be good and valid in the Law; and such Conveyances, Assurances, Assignments, Grants, and Letters Patents, shall and may be pleaded in bar of all or any Claim or Pretence of Right, Title, or Interest of, in, or to such Lands, Tenements, or Hereditaments, prior to the said Purchases or Possessions of such *French* Subjects, or any of them; or otherwise, such Conveyances, Assurances, Assignments, Grants, and Letters Patents, or authentick Copies thereof, if the Originals be lost or destroyed, may be given in Evidence to a Jury, upon the general Issue, in any Court of the said Island, where any Action shall be commenced or brought for any such Lands, Tenements, or Hereditaments, which shall be as valid and effectual in Law, as if the same had been pleaded specially, and the Jury upon such Trial are to receive the same as Evidence.

VI. AND whereas many of the said *French* Subjects, who continued to hold such their Lands, Tenements, and Hereditaments in the aforesaid Part of the Island, commonly known by the Name of the *English Quarters*, by virtue of the said Articles of Peace, till the breaking out of the said late War, did then renounce the Protection of the Crown of *Great Britain*, and did continue under the then *French* Government of the said Island, and after the said Re-conquest of the same, did abdicate such their Lands and Possessions, and go off the said Island with other the Subjects of the *French* Crown: And whereas many of the natural born Subjects of the Crown of *Great Britain*, did at that Time, contrary to the Duty of their Allegiance, most traiterously and wickedly rise and go into open Rebellion, and adhere to the *French*, the then declared Enemies of the said Crown of *Great Britain*, and not only joined with the said Enemies in the subduing of the said Island, but afterwards remained in the Dominions of the Crown of *France*, in professed Hostility, and committed divers treasonable Acts, without any Sense of Loyalty to their then lawful Sovereigns King *William* and Queen *Mary*, of glorious and immortal Memory, or of natural Affection to their native Countries, for which there was good Reason and lawful Cause that they should be attainted of High-treason, and their Estates confiscated to the Use of the said Crown of *Great Britain*; but for want of a Civil Administration of the Government of the said Island for many Years after the said Re-conquest thereof, the same was not done in such Method and Form as the Law of the Land required; yet nevertheless, for the better resettling and strengthening of the Island, the Lands, Tenements, and Hereditaments of such Rebels and Traitors were, by Letters Patents, Grants, and Writings, made under the Great Seal of the said *Leeward* Islands, given and granted to several Persons who assisted in retaking the said Island, and who, at very great Expences, and much Labour and Industry, settled and improved the same, to the great strengthening of the Island, and the Increase of the Revenues of the said Crown of *Great Britain*: To the End therefore that such dutiful and loyal Subjects might be encouraged, and an indelible Mark of Infamy set upon such Traitors and Rebels, it is hereby declared and enacted, That all and every the Lands, Tenements, and Hereditaments in the said *English Quarters* of the said Island of any *Frenchman*, *Frenchwoman*, or *French* Subject, who quitted and deserted the same, as aforesaid, and went off the Island with other *French* Subjects, and are

Clause relating to forfeited Lands.

are dead, or yet survive within the Dominions of the *French* King; and also all and every the Lands, Tenements, and Hereditaments in the said Island of all and every the natural born Subjects of the Crown of *Great Britain*, who at the Time aforesaid did go into open Rebellion, and commit such treasonable Acts as aforesaid, and did receive Aid, Succour, or Protection from the Crown of *France*, were by them, and every of them, forfeited and lost; and that the absolute Fee thereof became thereby vested in Their said late Most Sacred Majesties King *William* and Queen *Mary*, in Right of Their Crown of *Great Britain*, notwithstanding that such Person or Persons were not legally attainted or convicted of Treason, or that no regular Proceedings were had for the Confiscation or Seizure of such Lands, Tenements, or Hereditaments, and notwithstanding any Law or Usage to the contrary.

VII. AND to the End and Intent that the said Letters Patents, Grants, and other Writings, should be good, available, and of perfect Force and Effect to all and every Your Majesty's loyal Subjects, according to the true Meaning and Effect of the same; be it enacted by the Authority aforesaid, That all and singular the Letters Patents, Gifts, Grants, and Writings, sealed under the Great Seal of the said Leeward Islands, and made by Their said late Majesties, or by Her late Sacred Majesty Queen *Anne*, of blessed Memory, or by Your Most Excellent Majesty, or by any Captain-general, or Governor, or Commander in chief of the said Leeward Islands, in the Name or Names of Your Majesty, or Your said Royal Predecessors, or any of them, for any Sum or Sums of Money, or other Consideration or Cause, to any Person or Persons whatsoever, of the said Lands, Tenements, and Hereditaments, or of any Part or Parcel of them, in and by this present Act declared to be forfeited, as aforesaid, shall be good, perfect, and effectual in the Law, as well against all and every such *Frenchman*, *Frenchwoman*, and *French* Subjects, who quitted such their Estates and Possessions, as aforesaid, and their Heirs and Assigns, as against all and every such natural born Subjects of the said Crown of *Great Britain*, who so went into Rebellion, and adhered to the then Enemies, as aforesaid, and their Heirs and Assigns, according to the Tenor and Effect of the said Letters Patents, Grants, or Writings, the same to be construed, deemed, and adjudged most beneficially for the Patentees and Grantees of the said Lands, Tenements, or Hereditaments, their Heirs and Assigns; any lack of finding of Offices or Inquisitions of and in the Premises, or any Part thereof, whereby the Title of the said Crown of *Great Britain* therein ought to have been found, before the making of such Letters Patents, Grants, or Writings, notwithstanding.

Grants from
the Crown of
the said Lands,
to be valid.

VIII. PROVIDED nevertheless, That such Rebels and Traitors, and their Heirs, pretending Title to any Lands, Tenements, or Hereditaments in this Island, so forfeited as aforesaid (having first obtained Licence from Your Most Sacred Majesty, under Your Privy Seal for that Purpose) shall and may, within two Years after the Date of this Act, and at no Time after, prosecute such their Claim, or Pretence of Right, in any Court of Record in the said Island; and if any such Person or Persons shall recover any of the Lands, Tenements, or Hereditaments, so given and granted by the Crown, as aforesaid, that then the Person or Persons who shall so recover the same, shall forthwith upon such Recovery pay to the Person or Persons, against whom he or they shall so recover, or their Assigns, such Sum and Sums of Money as was or were paid by him or them, his or their Ancestors, Predecessors, or other Person or Persons, whose Heir or Heirs he or they is or are, or whose Estate he or they have, to the Crown, or otherwise whatsoever, for the said Lands, Tenements, or Hereditaments, and also the full Value of all Meliorations and Improvements made thereon; and likewise release and discharge the Defendant or Defendants in such Action or Actions, their Heirs, Executors, and Administrators, of and from all Damages, and all Rights and Pretensions to the mean

Proviso.

1718-19.

Profits of such Lands, Tenements, and Hereditaments; otherwise such Person and Persons so recovering, shall be, and hereby is and are utterly barred, and for ever foreclosed of and from all or any Right, Title, Claim, or Pre- tence whatsoever, in Law or Equity, of, in, or to the said Lands, Tenements, or Hereditaments; the said Recovery, or any Judgement given in the said Courts in Favour of such Claimer or Recoverer, notwithstanding; and upon Non-payment of the said Monies, and releasing the said Damages and mean Profits, according to the Tenor of this Act, such Judgement and Judgements so given for the said Claimer or Claimers, or Person or Persons so recovering such Lands, Tenements, or Hereditaments, is and are hereby declared to be null, void, and of none Effect.

Clause relat-
ing to Deeds,
&c. lost or
destroyed.

IX. AND be it further enacted by the Authority aforesaid, That where any Person or Persons, possessed of, or intitled unto any Lands, Tenements, or Hereditaments in the said Island, hath or have, by Means of the late Wars, or by Fire or Hurricanes, lost his or their Deeds, Writings, or Evidences of such their Lands or Estates, and where also the Records or Registries thereof are lost, burnt, or destroyed; such Person or Persons, upon making Oath that he or they have actually so lost such their Deeds, Writings, or Evidences, shall be admitted to prove his or their Title or Titles by the Oaths of two or more credible Persons; which Evidences, unless disproved by more and better Evidences, shall be good and effectual in the Law; and in such Case the Jury at the Trial of any Title of Lands, Tenements, or Hereditaments in the said Island, are to take Notice of the same.

Publick Act.

X. AND be it further enacted, That this Act shall be taken and allowed in all Courts within this Island as a publick Act; and all Judges and Juries are hereby required to take Notice thereof, without special pleading the same.

Proviso.

XI. PROVIDED always, That this Act shall not be deemed or taken to be in Force until Your Majesty's Pleasure shall be known relating thereunto; but that from and immediately after Your Majesty's Approbation thereof, the said Act shall be in Force in this Island for ever.



1719.
No 39.
Temporary.

An Act for settling a Salary on William Nevin Esquire, Agent for the Island of St. Christopher's, in London, during his Agency.

An

1719.

An Act for laying a Tax on Vintners, Victuallers, and Retailers of Wine, Rum, and Rum-punch, and other Strong-liquors; and for lessening the Number of Distillers in the Island of St. Christopher's; and to enable the Treasurer to demand and receive all Arrearages and Debts which remain due and in Arrear from Victuallers, and Retailers of Wine and other Strong-liquors, by virtue of a former Act of this Island. No 40.
Expired.



An Act for raising an Impost upon Liquors imported into the Island of St. Christopher's; and to enable the Treasurer to demand and receive all Arrearages and Debts which remain due and in Arrear for Liquors imported into this Island, and for which any Duty was payable by virtue of a former Act of this Island, bearing Date the nineteenth Day of February, in the first Year of His Majesty's Reign. No 41.
Expired.



An Act for raising a Tax by the Poll, and on all Slaves in this Island; and also for raising five hundred Pounds on the inland Trade of the same. 1720.
No 42.
Expired.

An

1720.

12^o 43. *An Act for giving Titles to Inhabitants building Houses upon Brimstone-hill.*

Inhabitants
may build
Houses upon
Brimstone hill,
paying a Pepper-
corn year-
ly Rent for
the same.

IT being but too well known how inconvenient and troublesome it is for the Inhabitants of this Island in Times of War to live upon *Brimstone-hill*, as they have hitherto been obliged to do, without having convenient Houses for themselves and Families, which they might call their own, and in which they might with more Ease and Safety dispose of themselves, and their most valuable Effects: Therefore, we, Your Majesty's most dutiful and loyal Subjects, the Governor in chief in and over all Your Majesty's Leeward Carribbee Islands in *America*, the Council and Assembly of this Island, do pray Your Majesty that it may be enacted; and be it, and it is hereby enacted by the Authority aforesaid, That for the more comfortable and orderly Subsistence of the Inhabitants upon *Brimstone-hill*, in case they should be obliged, with their Wives and Families, to retire thereto, that convenient Proportions of Land shall be admeasured and laid out by the Direction of the chief Governor, or, in his Absence from this Island, by the Lieutenant-general, or Commander of this Island for the Time being, within the Fortifications thereon; and that any Person or Persons, being Inhabitants of this Island, shall and may have Liberty, at his or her own Expence, to erect and build thereon a House, twenty four Feet in Front, and Cistern, or other Conveniencies behind the same, as they shall think fit, and hold and enjoy the same to them, their Executors, Administrators, and Assigns (being Inhabitants of this Island, or having Families resident thereon) for the Term of fifty one Years from the Date of this Act, paying to the Treasurer of this Island a Pepper-corn, yearly Rent for the same, if demanded.

Proviso.

II. PROVIDED always, That no one Person, for him or herself and Family, shall take up more Ground than twenty four Feet in Front, and eighty Feet deep; and that each House or Building be, and do not exceed seven Feet from the Ground to the Top of the Wall-plate; and that such Buildings be either made of Stone Walls or Boards on the Sides, and Shingles on the Roof, at the Choice of the Builder, but no Part thereof to be thatched; and that the said Proportions be so taken up and built upon in the Manner hereby directed, within three Years from the Date hereof; any thing herein contained to the contrary notwithstanding.

A Chart of
the Ground
built upon to
be returned
into the Se-
cretary's Of-
fice.

III. AND be it further enacted by the Authority aforesaid, That within one Month from and after the Expiration of the said three Years, the said chief Governor, Lieutenant-governor, or Commander of this Island for the Time being, shall cause or procure a Plat or Chart to be made of the several Allotments or Proportions, which be taken up and built upon, according to this Act, with the Names of the Persons who shall have so taken up and built upon the same, and return the said Chart or Plat, signed by himself, one of the Council, and two of the Assembly for the Time being, into the Secretary's Office of this Island, there to be recorded, for Prevention of any Disputes which may hereafter arise, touching the Right or Property to the said Proportions and Buildings thereon.

An

1720.

An Act for employing Negroes on the Fortifications of this Island; and for rendering more effectual, and explaining an Act passed this Year, intituled, An Act for raising a Tax by the Poll on all Slaves in this Island; and also for raising five hundred Pounds on the inland Trade of the same. B^o 44.
Enacted.



An Act to repeal a certain Act of the Council and Assembly of the Island 1722. of St. Christopher's, intituled, An Act for raising an Impost upon B^o 45. Liquors imported into the said Island; and for imposing certain Duties upon Wines, Beer, Ale, Cyder, and other Liquors hereafter to be imported into the same Island.

WHEREAS, by a certain Act of this Island, bearing Date the sixth Day of October, in the sixth Year of the Reign of our Sovereign Lord George, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, &c. the several Rates and Duties following were laid and imposed upon Wines, and other Liquors imported into the said Island; viz. Upon all Madera Wine, three hundred Pounds of Sugar per Pipe; all Wines of the Growth of the Western Islands, and Madera Wine, mixed with any of the Wines of the Western Islands, four hundred and fifty Pounds of Sugar per Pipe; every Ton of French, Rhenish, Florence, and Spanish Wines, and of all other Wines, not before mentioned, imported in Cask, seven hundred and fifty Pounds of Muscovado Sugar, and eleven Pounds and one Quarter of a Pound of Muscovado Sugar for every Dozen of the said Wines bottled; every Ton of Ale, Beer, and Cyder, in Cask, one hundred eighty seven Pounds and a half Pound of Muscovado Sugar, and every Dozen of the same Liquors bottled, seven Pounds and a half Pound of like Sugar; every Gallon of Mum, three Pounds and three Quarters of a Pound of Sugar; every Gallon of Brandy, seven Pounds and a half Pound of Sugar; and every Gallon of Rum, eighteen Pounds and three Quarters of a Pound of like Sugar, and so proportionably for a greater or lesser Quantity; which said Law, by Reason of laying the said Duties in Sugar, and the Difficulty in collecting the same, hath been since found very inconvenient: We therefore, His Majesty's most dutiful and loyal Subjects, the Captain-general and Governor in chief of all His Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of the said Island of St. Christopher's, do pray His Most Excellent Majesty, That the said several Rates and Duties, so as aforesaid laid and imposed in and by the said Act, may cease and determine; and that the same Act, and every

Clause,

1722.
 Act 6. Geo. I.
 relating to
 the Duties
 upon Liquors,
 repealed.

Clause, Article, Matter, and Thing therein contained, may be repealed; and the said several Duties are hereby declared to cease, and be determined; and the said Act, and every Clause, Article, Matter, and Thing therein contained, is and are hereby repealed, to all Intents and Purposes whatsoever, as if the same had never been made; any thing in the said Act contained to the contrary in any wise notwithstanding.

Duties im-
 posed by this
 Act.

II. AND to the end that a sufficient Fund may be provided, for the Support of the Government of the said Island, and defraying the contingent Charges thereof, we, His Majesty's most dutiful and loyal Subjects, the Captain-general, and Governor in chief of the said Leeward Islands, and the aforesaid Council and Assembly of the said Island, do pray His Most Excellent Majesty that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Captain-general, and Governor in chief, and of the aforesaid Council and Assembly, That from and after the Date of this Act, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs, and Successors, for the Space of eleven Years, and no longer, the several Rates, Duties, Impositions, and Charges hereafter expressed; that is to say, For all *Madera* Wines, which shall be imported into the said Island, two Pounds current Money *per* Pipe; for all Wines imported, of the Growth of the *Western* Islands, and *Madera* Wine, mixed with any of the Wines of the *Western* Islands, three Pounds current Money *per* Pipe; and two Pounds *per* Ton for every Ton of Beer; and five Pounds for every Ton of *French*, *Rhenish*, or *Spanish* Wines, and one Shilling and six Pence for every Dozen of Quart Bottles of the same; and two Shillings and six Pence for every Gallon of Rum; and one Shilling for every Gallon of Brandy; and six Pence for every Gallon of Mum; and one Shilling and six Pence for every Dozen of Quart Bottles of Ale, Beer, or Cyder; and so proportionably for a greater or lesser Quantity of the said Liquors.

Drawback
 upon Expor-
 tation allow-
 ed.

III. PROVIDED nevertheless, That if the Importer of such Liquors shall export the same, or any Part thereof, within two Calendar Months next after Importation, then he shall be allowed a Drawback of half what was paid for the Custom or Impost of the Liquors so exported; which Drawback the Treasurer shall pay or discount, under the Penalty of double the Sum he shall refuse to pay or discount, as aforesaid.

Penalty on
 running Li-
 quors.

IV. AND be it further enacted by the Authority aforesaid, That if any Merchant or Factor, or any Master, Commander, or Owner of any Ship or Vessel, or any Purser, Mariner, or Person whatsoever, belonging to any Ship or Vessel, shall, without the Presence of the Treasurer of the said Island for the Time being, who is hereby authorized and appointed to collect and receive the said several Rates and Imposts, or some Person to be by him for that Purpose appointed, or before Notice given, or a regular Entry made with the said Treasurer, or Payment of the Duty, put on Shore, or put into any Boat or Vessel, over the Side of such Ship or Vessel, or otherwise convey out of any Vessel, any of the Liquors assessed, or mentioned to be assessed in this Act within mentioned, to land the same, the same Liquors shall be forfeited and lost; and all Officers, both civil and military, in this Island, are hereby strictly charged and required to be aiding and assisting to the Treasurer, and his Agent or Agents, the Informer, Discoverer, or Seizer of such Liquors, so landed or unladen contrary to the true Intent and Meaning of this Act, in the due Execution of all and every Act and Thing in and by this present Act required and enjoined.

Treasurer
 may search
 suspected
 Places.

V. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Treasurer, or his Agent or Agents, or such Informer or Discoverer, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace of this Island for that Purpose first obtained, with one Constable or more, to search all Manner of Houses, Cellars, Ware-houses, and

and Shops, and every or any other suspected Place or Places, for such of the said mentioned Liquors as they or any of them shall be informed to have been carried there to be concealed, or to escape paying the said imposed Duties, contrary to the true Intent and Meaning of this Act; and such Liquors so found, shall be forfeited and lost: Provided, That such Search be made within three Days after the Information given; and the Liquors so found, shall be tried in the Court of Admiralty of this Island, and the Charges of the Trial to be deducted out of the Liquors seized, as aforesaid, if the same be condemned; but if they shall be cleared, and any probable or reasonable Cause notwithstanding shall appear to the said Court for such Seizure, the Charges of the Prosecution shall be born and paid by the Treasurer of this Island for the Time being, out of the publick Stock; but if no probable or reasonable Cause shall appear to the said Court for such Prosecution, the Charges thereof shall be born by the Persons seizing or informing against the same; and that upon such Trial the Proof shall lie upon the Owner or Claimer, whether the Impost assessed by this Act hath been paid for the Liquors seized, and not on the Prosecutor; any Law, Custom, or Usage to the contrary notwithstanding.

1722.

Proof that the Duty was paid, to lie on the Owner.

Treasurer to administer an Oath to Persons entering Madera Wines.

VI. AND the Treasurer for the Time being is hereby impowered and required, when any Merchant or Factor, Master, Purser, Mate, or Boatswain of any Vessel, shall make an Entry of any Madera Wines imported and brought directly from the Madera's, to administer the following Oath to such Person who shall make such Entry; viz.

Treasurer to administer an Oath to Persons entering Madera Wines.

I A. B. do swear, That the Wines now entered for Madera Wine, were taken and laden on board at the Island of Madera; and that I do not, directly or indirectly, know but that the same are of the Growth of the said Island of Madera, without mixture of any Wines of the Western Islands.

So help me God.

And if any Merchant or Factor, or any Master, Mate, Purser, or Boatswain of any Ships or Vessels, who shall make such Entry of any Wines imported hither directly from the Madera's, shall refuse to take the said Oath, being thereunto required by the Treasurer, then the said Wines so imported, shall be deemed and taken to be Wines of the Growth of the Western Islands, and shall pay Impost accordingly.

VII. AND be it further enacted by the Authority aforesaid, That the naval Officer of this Island shall not at any Time clear any Ship or Vessel that shall import any of the said Liquors, before the Master, Commander, Purser, Boatswain, or other Person taking charge of, or clearing such Ship or Vessel, shall have produced a Certificate from the Treasurer, that the Liquors imported in such Ship or Vessel, and landed here, have been duly entered, as aforesaid, and the Duties of the same paid and satisfied; and also, that the Treasurer shall not discharge or give a Certificate to any Master of any Vessel whatsoever, that shall import any of his said Liquors into this Island, and land the same here, for the clearing of them in the naval Office, until the said Treasurer shall have sworn the Master, or such other Person or Persons as shall belong to such Ships or Vessels, in Manner and Form following; viz.

Naval Officer not to clear any Ship without a Certificate from the Treasurer;

nor Treasurer to give one, till he has sworn the Master, &c.

I A. B. do swear, That no more Liquors were imported, landed, or put over the Side, or otherwise carried out of the Vessel called _____ with an Intent to be landed by me, or by my Order, or by any other Person whatsoever, with my Knowledge, Consent, Connivance, or Privy, directly or indirectly, but what hath been already duly entered with the Treasurer of this Island; and I do declare, that the Entry so made of the said Liquors, are the just, true, full, and complete Quantities of all and every the Liquors imported, landed, or put over the Side, or otherwise

The Oath.

1722. otherwise conveyed out of the said Vessel, with an Intent to be landed since her Arrival at this Island.

So help me God.

Penalty on Refusal to take the same,

and on naval Officer, or Treasurer, neglecting their Duty.

And if the Master or Commander, or other Person taking charge of, any Ship or Vessel, wherein any of the said Liquors shall be imported, shall refuse to take such Oath, being thereunto required by the Treasurer, such Person so refusing to take the said Oath, shall forfeit and pay the Sum of Three hundred Pounds current Money of this Island; and if the said naval Officer shall at any Time clear any such Ship or Vessel without such Certificate, he shall forfeit and pay the Sum of Forty Pounds current Money, for every Ship or Vessel which he shall so clear, before the Master, or other Person clearing the same, hath produced such Certificate, as aforesaid; and if the Treasurer shall at any Time give a Certificate for the clearing of any such Ships or Vessels that shall have imported any of the said Liquors, before the Master or Commander of such Ships or Vessels shall have taken the Oath aforesaid, that then the said Treasurer shall forfeit the Sum of Three hundred Pounds current Money of this Island, for every such Ship or Vessel which he shall have certified the Master or Commander thereof to have taken such Oath, and who shall not at the same Time have really taken the same Oath.

Provido.

VIII. PROVIDED always, That no Ships or Vessels, belonging properly to the Leeward Carribee Islands, or any of them, and owned by the People thereof, shall, by any Thing contained in this present Act, or any Construction to be made thereof, be obliged to enter or clear in the naval Office aforesaid, oftner than once a Year, or as otherwise they are obliged to do by the Laws of Great Britain, or by any Act of this Island; but that such Ships and Vessels shall and may be discharged by the Treasurer, after the Master, Commander, Purser, Mate, or Boatwain, or other Person taking Care of such Ship or Vessel, shall have taken the Oath aforesaid.

Duties how to be recovered, in case of Refusal to pay the same.

IX. AND if any Person or Persons shall refuse or neglect to pay the several Duties, Rates, and Taxes beforementioned, and in Manner aforesaid by this Act laid and imposed, or any Part thereof, as the same shall become due; then the Marshal, or his Deputy, is hereby required, on a Precept of a Warrant under the Hand and Seal of the Captain-general or Commander in chief, and in his Absence from the said Island, from the Lieutenant-governor or President for the Time being, to him the said Marshal or his Deputy directed, forthwith to distrain on the Goods and Chattels of such Person or Persons as aforesaid, and for want thereof, on their Lands and Tenements, sufficient to satisfy and pay the Debts; which said Goods and Chattels, or Lands or Tenements, shall in six Days time be sold by the said Marshal or his Deputy, rendering the Surplusage, if any shall be, to the Owner: Provided always, That such Sale be made by the Marshal or his Deputy publickly, in one of the Towns of this Island, and in the Presence of six Persons at the least; and if such Person or Persons hath or have not any such Goods, Chattels, Lands, or Tenements sufficient to pay such Debt, then the said Marshal shall take into his Custody the Body or Bodies of such Person or Persons, as aforesaid, and them in the common Gaol of the said Island safely detain and keep, without Bail or Mainprize, until he or they shall have paid the same, and every Part thereof.

Treasurer allowed 5 l. out of every 100.

X. AND be it further enacted by the Authority aforesaid, That the Treasurer for the Time being shall and may have and take to his own Use and Behoof, out of the said several Duties and Impositions, the Sum of five Pounds for every hundred Pounds which he shall receive and collect by virtue of this Act; and that the Treasurer's Accounts, for and concerning his Receipts and Disbursements in the Premises aforesaid, shall be examined, adjusted, and settled by the Council and Assembly, or a Committee of the Council and

and Assembly for that Purpose appointed; and that before such Examination and Settlement, the said Treasurer's said Accounts shall not be allowed, or he be discharged; but he, his Heirs, Executors, and Administrators, be liable to render his said Accounts to the said Council and Assembly; and that the said Treasurer shall, if thereunto required by the said Council and Assembly, render and adjust such his Accounts yearly and every Year, under the Penalty of One thousand Pounds current Money of the said Island.

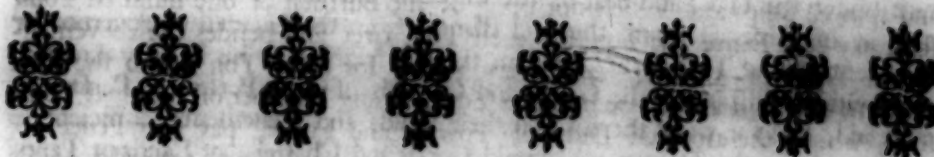
1722.

XI. AND be it further enacted by the Authority aforesaid, That in every Action, Suit, Indictment, Information, or Prosecution, wherein or whereby the Treasurer, or any other Person or Persons which shall be by him appointed, or any Person or Persons, who, by virtue of this present Act, are or shall be empowered or authorized to put the same in Execution, or any others acting in Aid of them, shall be sued, indicted, prosecuted, or molested; it shall be lawful for all and every the said Persons, their Heirs, Executors, and Administrators, to plead the general Issue, and to give this Act in Evidence in any Court or Courts of Justice where the Matter shall be depending; and all the Judges of the said Court or Courts are strictly enjoined and required to admit the same, and to acquit and indemnify them, and every of them, of and from all such Suits, Indictments, Informations, and Prosecutions, for and concerning any Matter or Thing acted or done in the due and necessary Performance and Execution of their respective Trusts and Employments therein.

Persons sued may plead the general Issue.

XII. AND be it further enacted by the Authority aforesaid, That the two thirds of all the Forfeitures before in this Act mentioned and appointed, and not herein and hereby already mentioned or directed how and in what Manner the same shall be disposed of, shall be paid to the Treasurer aforesaid, for the Use of His Majesty, His Heirs, and Successors, towards the Maintainance and keeping in Repair the Fortifications and Garrisons of this Island; and the other third Part to such Person or Persons as shall inform or sue for the same; to be recovered by Bill, Plaint, or Information in any Court of this Island, wherein no Effoign, Protection, or Wager of Law shall be allowed.

Disposition of Forfeitures.



An Act for laying of certain Duties upon Sugars, Molasses, and other Goods of the Growth and Manufacture of the Island of St. Christopher's, to be exported out of the said Island.

Expired.

R

An

1722.

12^o 47. *An Act for raising of Gunpowder and small Arms upon the Tonnage of Vessels trading to and with this Island, for the Use of His Majesty's Fortifications within this Island.*

WHEREAS the want of Arms and Ammunition might occasion the Loss of this Your Majesty's Island of *St. Christopher's*, and the Ships and Vessels trading unto and with the same, should a War with any Foreign Nation break forth, or sudden Assault be made thereon by any unexpected Enemy: We therefore, Your Majesty's most dutiful and loyal Subjects, the Governor in chief of all Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of the aforesaid Island, do most humbly pray that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Governor in chief, and the Council and Assembly of the said Island of *St. Christopher's*, That all Masters and Commanders, and other Persons navigating of Ships and Vessels, which now are or shall happen to come into and stray in any Bay, Road, or Creek of the said Island, and there to tarry above the Space of forty eight Hours, and there unlade or lade any Goods, Wares, or Merchandizes, shall pay the full Duty of Powder, according to the whole and full *English* Tonnage of the said Ship or Vessel; *viz.* One Pound of Pistol Powder in *Specie*, for each and every Ton which such Ship or Vessel doth or shall measure.

Vessels to pay Powder according to Tonnage,

and certain Rates for purchasing Fuzes;

II. AND be it further enacted by the Authority aforesaid, That the Master, or Commander, or other Person having Charge of any Ship or Vessel measuring one hundred Tons, shall give and deliver one good approved Firelock Fuzee, of the Value of twenty Shillings *Sterling* at the least, and so proportionably for every hundred Tons which Ships of greater Burthen shall measure; and that all Ships and Vessels not being of the Burthen of one hundred Tons, shall pay four Pence *per* Ton for each Ton, over and besides the abovementioned Duty of Powder; and every Vessel, for every Ton which she shall measure over and above one hundred Tons, or any Number of hundred Tons, shall, besides the aforesaid Duty of Powder and Fuzee, pay four Pence *per* Ton for every Ton exceeding any Number of hundred Tons, for and towards the purchasing of a Fuzee; which said Powder, Arms, and Money, are to be delivered and paid unto the Collector of the Powder Duty for the Time being.

not to be cleared without producing the Collector's Receipt.

III. AND be it further enacted by the Authority aforesaid, That no Ships or Vessels shall depart, or be cleared by the naval Officer for the Time being, before the Master, Commander, or Person taking Charge of such Ship or Vessel, shall have produced and shewn unto the said naval Officer a Discharge or Receipt under the Hand of the Collector aforesaid, under the Penalty of Five Pounds current Money; to be levied by Warrant under the Hand of the Commander in chief of this Island for the Time being; the said Fine to be paid into the Hands of the Collector of the Powder Duty for the Time being; to be applied towards providing small Arms, for furnishing the Magazines of this Island.

A Surveyor to measure them,

IV. AND to the End the Burthen and Tonnage of Ships and Vessels may be better known, be it further enacted by the Authority aforesaid, That a sworn Surveyor be appointed by the chief Governor, and in his Absence, by the Lieutenant-governor, or President of the said Island for the Time being, to measure

measure all such Ships and Vessels as shall come into the said Island to trade, unlade, or lade there; which Surveyor shall be paid the Sum of fourteen Shillings current Money for such Survey, by the Master, Commander, or Person taking Charge of each Vessel: And the said Surveyor is hereby required to keep a Register of all such Ships and Vessels as he shall from Time to Time measure, and render an Account thereof whensoever he shall be thereunto required by the Governor in chief, or, in his Absence, by the Lieutenant-governor, or President, and the Council and Assembly of the said Island.

V. PROVIDED nevertheless, That any Vessel having been surveyed and registred as aforesaid, by virtue of this Act, shall not be obliged to be surveyed anew, or to pay a second time any Fee for such Survey, unless any Alteration may have been made in such Ship or Vessel; any thing in this Law contained to the contrary notwithstanding.

VI. PROVIDED, That this Act shall not extend to Ships and Vessels importing Brute Animals only from any of the said Leeward Islands, or which shall come to this Island only for Wood, Water, or by any Stress of Weather: And also, That no Inhabitant of this Island, owning any Ship or Vessel, or Part of any Ship or Vessel, shall be liable to the Payment of the said Duties; but shall be exempt therefrom for such Part only as he or they shall own; any thing herein before contained to the contrary thereof in any wise notwithstanding.

VII. AND further, be it enacted by the Authority aforesaid, That the Collector for the Time being, who shall be empowered to collect and receive the said Duties, shall and may have and take to his own Use and Behoof out of the said several Duties and Impositions, the Sum of five Pounds for every hundred Pounds which he shall receive and collect by virtue of this Act: And that the said Collector's Accounts, for and concerning his Receipts and Disbursements in the Premises aforesaid, shall be examined, adjusted, and settled by the Council and Assembly, or a Committee of the Council and Assembly for that Purpose appointed; and that before such Examination and Settlement, the said Collector's said Accounts shall not be allowed, or he be discharged; but he, his Heirs, Executors, and Administrators, be liable to render his said Accounts to the said Council and Assembly; and that the said Collector shall, if thereunto required by the Council and Assembly, render and adjust such his Accounts yearly and every Year, under the Penalty of One thousand Pounds current Money of the said Island.

VIII. THIS ACT to continue and be in force for eleven Years from the Date hereof, and from thence to the then next meeting of the Council and Assembly of the said Island, and no longer.

An Act for the settling the Sum of Two thousand Pounds per Annum, of current Money of the Island of St. Christopher's, during the Term therein mentioned, upon his Excellency John Hart Esquire, the present chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of the said Governor, and the Dignity of this His Majesty's Government.

An

1722.

No 49.
Expired.

An Act for the Continuance of such Part of an Act for employing Negroes on the Fortifications of this Island, and for rendering more effectual, and explaining an Act, intituled, An Act for raising a Tax by the Poll on all Slaves in this Island, as also for raising five hundred Pounds on the Inland Trade of the same, as relates to the employing of Negroes upon the said Fortifications.

No 50.
Repealed.

An Act to regulate the Militia of this Island.

No 51.

An Act for the good Government of Servants, for ordering the Rights between Masters and Servants, for encouraging the Importation of Servants, for directing a due Performance of Contracts, and for Payment of Wages to Artificers, Workmen, and Labourers.

WHEREAS nothing can tend more to the strengthening of this Island, than there being on it a sufficient Number of Christian Servants, Labourers, and Artificers: And it being therefore necessary to enforce by a Law as well the encouraging good and faithful Servants, as also to establish the Rights due to them from their respective Masters; and further, for restraining dissolute, disorderly, and negligent Servants; and for encouraging the Importation of Servants: We therefore, Your Majesty's most dutiful and loyal Subjects, the Governor in chief of these Your Majesty's Leeward Carribbee Islands, the Council and Assembly of this Island, pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of His Majesty's chief Governor of the Leeward Carribbee Islands, the Council and Assembly of St. Christopher's, and by the Authority of the same, That all and every Servant or Servants retained by Indenture to serve for Year or Years, either for certain yearly Wages, or the Consideration of Clothes and Sustenance, shall faithfully and truly serve his or their respective Master, Mistress, or Owner, according

according to the true Purport and Intent of the said Indenture: And whatsoever Servant or Servants shall wilfully, obstinately, or negligently absent him or herself from his or her Master or Mistress's Service, upon Conviction thereof, by the Oath of one or more Witnesses, or his or her own Confession before some one of His Majesty's Justices of the Peace within this Island, shall for every Day's Absence or Loss of Service, be adjudged and ordered by the said Justice to serve his said Master or Mistress two whole Days after his Term by Indenture is expired; and every Master or Mistress is required to keep such a distinct Account of their Servant or Servants Absence, or wilful Loss of Service, as to prove the same by their own or some other's Oath before the aforesaid Justice of the Peace.

1722.
Penalty on
Servant's
Neglect of
Duty.

II. AND be it further enacted by the Authority aforesaid, That whosoever, either Master or Mistress of a Family, or Captain of a Ship, or other Person whatsoever, shall entertain any Man or Woman above one Night, if he doth not know him or her to be free, shall, for every Day or Night after the first, forfeit Twenty Shillings current Money of this Island; and if he knows him or her to be a Servant to another Person, and do notwithstanding wilfully entertain him or her, he shall forfeit Three Pounds current Money of this Island, for every Day or Night he shall entertain such Servant so absents from his respective Owner's Service: The whole said Forfeiture to be to the said Master or Mistress of the said Servant; to be recovered by Action of Debt, or Information in any Court of Record in this Island: And if any Overseer, Freeman, Labourer, or Servant, shall entertain or hide any Servant belonging to any other Plantation or Master; such Overseer, Freeman, Labourer, or Servant, not being able to give in sufficient Security to answer an Action of Law, as above enacted, shall, upon Conviction of such Offence before two of His Majesty's Justices of the Peace, receive such open and condign Punishment, or make such other reasonable Satisfaction to the Master or Owner of the Servant so entertained by him, as the said two Justices in their Discretion shall order and adjudge.

Penalties on
Persons en-
tertaining
them.

III. AND if any suspected Person come within any Plantation at unreasonable Hours, or being there, shall stay more than a fitting Time; it shall be lawful for the Master, his Overseer, or Servant, to apprehend such Person, and keep him in Custody till he may be brought to the next Constable: And all Constables are required to receive and apprehend all such Straglers or Run-aways as shall be brought to them, or they shall know of by credible Information, under the Penalty of Forty Shillings current Money of this Island for each Neglect or Refusal as aforesaid, and them in safe Custody to convey to the common Gaol, or to their respective Masters or Mistresses; for which the said Constable shall be paid ten Shillings current Money of this Island Fee, and one Shilling *per* Mile for travelling Charges; to be paid by the Provost-marshal, or his Deputy, if such Servant be delivered at the common Gaol, or by the respective Master or Mistress, if delivered to them: And in case of the said Master's or Mistress's Refusal to receive the said Servant, and to pay the said Fees; then the same to be levied on their Goods and Chattels, by Warrant from the next Justice of the Peace to the said Constable directed, as is usual in other Cases of Distress: And every Marshal, or Deputy Provost-marshal of the said Island for the Time being, are hereby required to receive all such Servant or Servants, as shall be delivered to them at the common Gaol by any Constable, and to pay to the said Constable the Fees abovementioned, under the Penalty of forfeiting Five Pounds current Money of this Island for every Offence; to be recovered by the aggrieved Person against him, by Action of Debt, or Information in any Court of Record in this Island: And the Provost-marshal, or his lawful Deputy, shall the said Servant or Servants in safe Custody keep, until the respective Master or Mistress send for the same, who shall pay the whole Fees, as well those already paid to the Constable, as the

Constable's
Fees for ap-
prehending
them.

1722. further usual Fees of Imprisonment due to the said Marshal, before the said Servant or Servants shall be delivered to them.

To serve their Owners double the Time they are in Gaol.

IV. AND it is further enacted by the Authority aforesaid, That all such Servants who shall be in Gaol for their own Offences, shall serve their Master or Mistress double so long Time, after the Expiration of the Time they have to serve by Custom, Indenture, or Contract, as he or they have lain in Gaol for such their Offences as aforesaid; and shall serve his or her said Master or Mistress such further Time, as shall be ordered and adjudged by two Justices of Peace, for Satisfaction of the Fees, and other Charges his or her Master or Mistress hath expended for him or her.

Penalty on publick Houses entertaining them.

V. AND it is further enacted by the Authority aforesaid, That if any Person or Persons, who keep a publick House, or sell Strong-liquors by retale, shall entertain, receive, or suffer any Servant or Servants to be drunkening, tippling, or loitering away their Time at his or their Houses; that such Person or Persons shall be indicted at the Sessions, as keeping a disorderly publick House; and upon Conviction, be fined by the Justices of the Sessions in their Discretion.

Punishment of Servants assaulting their Masters, &c.

VI. AND be it further enacted by the Authority aforesaid, That if any Servant shall wilfully or maliciously make any Assault or Affray upon his Master or Mistress, or upon any other that shall at the Time of such Assault or Affray have the Charge or Over-sight of any such Servant, or of the Work; and being thereof convicted before two of the Justices of the Peace, by Confession of the said Servant, or by the Testimony, Witness, and Oath of one credible Witness; that then every such Offender shall suffer Imprisonment by the Space of one whole Year, or less, at the Discretion of the two Justices; and if that Punishment be too small, then to receive such other open Punishment, so as it extend not to Life or Limb, as the Justices of the Peace in open Sessions shall think equal to the Quality of the said Offence so done or committed.

Their Apparel and Diet, &c.

VII. AND for the due Encouragement of Servants doing their Duty, be it enacted by the Authority aforesaid, That all Masters, Mistresses, or others, who shall have the Care of any Servant or Servants retained by Indenture, Contract, or other Agreement whatsoever, to serve for the Consideration of Clothes and Diet, shall yearly allow and give to each Servant so retained, the following Apparel; viz. Four Shirts, of brown or blue Ozenbrigs; four Pair of Breeches, and four Waistcoats, of brown Ozenbrigs; four Pair of Shoes; three Pair of Worsted Hose; two Felt Hats; two Neckclothes, and two Handkerchiefs; and one large or other Stuff Coat to each Man-servant; and proportionably of Women's Apparel to each Woman-servant; and shall further give and pay, at the Expiration of four or more Years faithfully served, to each such Servant, the Sum of four Pounds current Money of this Island, or six hundred Pounds of Sugar, as the Consideration of Wages for their Time served: And each Master, Mistress, or Manager, shall allow and give to each Servant, during the Time of their Servitude, the following Diet; viz. One Pound and a half of Salt Beef; and four Pounds of *Cassava* or other Bread, or four Pounds of Potato's, Yams, or Tyers *per* Day.

Differences between Masters and Servants, how to be determined.

VIII. AND it is further enacted by the Authority aforesaid, That all such Differences as shall arise, in Point of Wages between a Master and his Servant, retained by Indenture or Covenant to serve for yearly Wages; or between a Master and his Overseer, Labourer, or Artificer, for Performance of Contracts for Work done, or for their respective Wages or Salaries, or Contracts, shall be heard and determined by two Justices of the Peace; who are hereby impowered, upon any such Complaint, to issue their Warrants, and summon the Parties before them, and to hear, examine, and determine all such Differences, Cause of Complaint, Damage, or Prejudice, and examine the Parties themselves upon Oath, where no other Proof can be had, and shall

shall make such Order therein, as the Justice of the Cause shall require; and shall issue Execution thereupon, by Warrant under their Hands and Seals, for any Sum not exceeding thirty Pounds current Money of this Island; which Warrant shall be directed to the Provost-marshal, or his lawful Deputy, who shall, under Penalty of Three Pounds current Money of this Island, perform punctually his Duty herein; who, by virtue hereof, shall levy on the Goods and Chattels of the Debtor, and make sale thereof by publick Outcry, after ten Days Publication, at the nearest Town, rendering the Overplus, if any, after the Debt and Charges paid, to the Owner; any Law, Custom, or Usage to the contrary notwithstanding.

1722.

IX. AND it is further enacted by the Authority aforesaid, That it shall not be lawful for any Person, when his Servant grows sick, or unable to perform his daily Labour, to remit any Part of such sick Servant's Time to be cleared of him, or to turn off any such Servant, whereby he may happen to perish for want, or become chargeable to the Parish: And if any Master, Mistress, or other Person, having the Charge of Servant or Servants, shall offend herein, or shall not use and endeavour all lawful Means for the Recovery of such their Servants, as shall happen to be sick or diseased during the Time of their Servitude; such Master, Mistress, or other Person, shall forfeit the Sum of Fifteen Pounds current Money of this Island; to be levied by Warrant of the Justice of the Peace before whom it shall be proved by the Oath of one or more Witnesses, and paid into the Hands of the Church-wardens of the Parish; to be disposed of towards the Maintenance of such Servant so turned off, and Recovery of his or their Health and Strength; and the said Servant so neglected or turned off, to be freed from his said Master; but in case such sick Servant shall not live to the Expending the said whole Sum of fifteen Pounds, then the Remainder to be disposed of towards the Maintenance of the other Poor of that Parish.

Penalty on Master turning off Servants when sick.

X. PROVIDED always, That in case any Servant or Servants in this Island shall, through his or their own wilful Misbehaviour, happen to have any Disease, or any broken Bones, Bruises, or other Impediments, whereby they have not only disabled themselves to perform their Labour as they ought to do, but also are a greater Charge, for Physick and Chirurgery, to their Master or Mistress than formerly; for Satisfaction of such Master or Mistress in every such Case, the Servant shall serve his or her said Master or Mistress, after the Time by Indenture or otherwise be expired, an equal Space of Time, as he or she by any such Means and Accident were disabled to serve; any thing herein before provided to the contrary notwithstanding: And in case of Refusal to serve for such Time, the Servant so refusing shall, upon Complaint and Proof of the Premises made by the Master or Mistress before any Justice of the Peace in this Island, be committed to the common Gaol, there to remain, to be kept upon Bread and Water only, for such Space of Time as he or she ought to serve as aforesaid.

Proviso.

XI. AND be it further enacted by the Authority aforesaid, That in all Cases whatsoever, where any Master or Mistress shall misuse or evil treat his Servant, or his Servant shall have any just Cause to complain, or the Servant do not his Duty to his or her Master or Mistress; then the said Master, Mistress, or Servant, being aggrieved, and having Cause to complain, shall repair unto one or more Justices of the Peace within this Island, who shall, by his or their Wisdom and Discretion, make such Order and Direction between the said Master, Mistress, and his or her Servant, as the Equity of the Cause shall require: And if for want of good Conformity in the Master or Mistress, the said Justice or Justices of the Peace cannot compound and agree the Matter between him or her, and the Servant; then the said Justice shall take Bond of the said Master or Mistress, to appear before the Justices at the next Sessions of the Peace, or before the chief Governor, Lieutenant-governor,

Complaints on either Side, how to be adjusted.

1722.

governor, or President of the Council, and Council, at one of their four next Sitzings in Council; and upon his Appearance, and a Hearing of the Matter, before the said Justices, or before the said chief Governor, Lieutenant-governor, or President of the Council, and Council, if it be thought meet unto them, to discharge the said Servant of his Service; that then the said Justices, or four of them at the least (whereof one of them to be of the *Quorum*) and the said chief Governor, or Lieutenant-governor, or President of the Council, and Council, if it be heard before them, shall have Power, by the Authority hereof, in Writing under their Hands and Seals, to pronounce and declare, that they have discharged the said Servant of his Service, and the Cause thereof; and the said Writing so being made and enrolled by the Clerk of the Peace, or Clerk of the Council, among the Records that either keepeth, shall be a sufficient Discharge for the said Servant against his Master or Mistress, his or her Executors and Administrators, and against the Indenture of the said Servant; any Indenture, Custom, or Law to the contrary notwithstanding: And if the Default shall be found to be in the Servant, then the said Justices, or the chief Governor, or Lieutenant-governor, or President of the Council, and Council, shall cause such due Corrections and Punishments to be given unto him, as in their Wisdom and Discretion shall be thought fit.

Treasurer to pay 15 l. for every Servant that cannot be sold,

XII. AND it is further enacted by the Authority aforesaid, That if any Merchant or Master of a Vessel shall import any Men-servants or Women-servants for sale, if he cannot sell such Servant or Servants in a reasonable Time, then it shall be lawful for such Merchant, or Master of a Vessel, to offer such Servant or Servants to the Treasurer of this Island for the Time being; who is required, under Penalty of Five Pounds current Money of this Island for each Servant (in case of refusal) proved before the Commander in chief of this Island for the Time being, by the Oath of the said Merchant, or Master of a Vessel, to receive all such Servant or Servants so offered unto him, being Natives of the Kingdom of *Great Britain*, or of any of the *British* Plantations or Colonies, or Natives of *Ireland*, being Protestants, and to pay out of the publick Stock to the Merchant or Master the Sum of fifteen Pounds current Money of this Island, for every able Man-servant who is under Covenants to serve four Years or more.

and to assign them to those that have not their Number required by L.w.

XIII. AND it is further enacted by the Authority aforesaid, That the Treasurer of this Island for the Time being, having received and purchased any Servant as aforesaid, shall immediately assign over such Servant to any Planter, or other Persons who have not their sufficient Number of Servants, or Men in Arms, required of them by any Law of this Island now in force, or any Law to be hereafter made for that Purpose: And the Person to whom such Servant shall be assigned, is hereby required and obliged to receive such Servant, and to repay unto the Treasurer the aforesaid full Sum of fifteen Pounds, and the further Sum of three Pounds current Money, as a Consideration for the Treasurer's Pains therein, besides his reasonable Charges for the Time he hath kept such Servant before he could assign him over: And if any Person shall, without reasonable Cause, to be adjudged and determined by the chief Governor, or Lieutenant-governor, and Council (if any Dispute should arise) refuse to receive any such Servant or Servants so offered to be assigned him by the Treasurer, and to pay the said Treasurer the aforesaid Sums of fifteen Pounds, and three Pounds, and his reasonable Charges for each Servant so delivered to him or her, as aforesaid; then the Treasurer shall, by a Warrant under the Hand and Seal of the chief Governor, or Lieutenant-governor, directed to the Provost-marshal, or his lawful Deputy, levy the aforesaid Sums and Charges on the Goods and Chattels of the Person so refusing, and shall make sale thereof, by publick Outcry, at the nearest Town, after ten Days Publication thereof at the said Town; rendering the Overplus, if any, after

after the Debt, Fees, and Charges paid, to the Owner; any Law, Statute, or Usage to the contrary notwithstanding.

XIV. AND be it further enacted by the Authority aforesaid, That all Fines to be levied by virtue of this Act, and for levying of which no Provision is particularly made, be levied by Warrant under the Hand and Seal of the Commander in chief of this Island for the Time being, directed to the Provost-marshal of this Island for the Time being, or his Deputy, who shall execute immediately such Warrant, under Penalty of double such Fine: And such Fines not already by this Act applied, are to be immediately paid into the Treasury of this Island; to be applied by Order of the Commander in chief of this Island for the Time being, towards repairing the Fortifications of this Island: And the Treasurer of this Island, under the Penalty of Five Pounds current Money of this Island, shall, by Certificate under his Hand, notify to the Commander in chief of this Island for the Time being, what Sums he shall so receive, within three Days of such Receipt.

1722.

Fines how to be levied and applied.

An Act for attainting several Negroes therein mentioned; and for the more effectual preventing Negroes from running away from their Masters Service; and for explaining and rendering more effectual an Act, intituled, An Act for the better Government of Negroes, and other Slaves.

WHEREAS it has been found by Experience, that the Laws now in force for the better Government of Negroes, and other Slaves, and for punishing such as do withdraw from the Service of their Masters, have proved too mild and gentle to curb and restrain them; and that they have so abused the Lenity of the Laws, that great Numbers of them have deserted the Service of their Masters, and fled to the mountainous Parts of this Island, and there have armed and assembled themselves in Bands, to oppose their Masters, and any that come in Pursuit of them; and in the Night-time, when they cannot be easily discovered or taken, do frequently commit divers Thefts and Robberies in the Plantations of this Island, to the insupportable Wrong and Damage of many of His Majesty's good Subjects: And whereas they are daily enticing other Negroes to resort to, and join with them; and it is much to be apprehended, that their Numbers will very much increase, without the Aid of some Law, to give some extraordinary Encouragement for the taking their Chiefs, or Ringleaders, and for the inflicting of condign Punishment upon such as shall be taken: And whereas it is notorious, that *Johnny Congo*, belonging to the Honourable Lieutenant-general *Matthew, Christopher*, belonging to *William M^r Dowall Esquire*, and *Antego Quamina*, belonging to *Marmaduke Bachelier Esquire*, have for a long while past, and still do head several armed Bands, or Companies of fugitive Negroes in this Island, and do all that in them lies to entice other Negroes to desert their Masters Service, and join with them; and have themselves committed, and been the

T

Occasion

1722. Occasion of committing many flagrant Thefts and Felonies: We therefore, Your Majesty's most dutiful and loyal Subjects, the chief Governor of all Your Majesty's Leeward Carribbee Islands in *America*, and the Council and Assembly of the Island of *St. Christopher's*, do most humbly pray Your Majesty that it may be enacted; and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the chief Governor, Council, and Assembly aforesaid, and by the Authority of the same, That the said *Johnny Congo*, *Christopher*, and *Antego Quamina*, and every of them, be, and hereby are convicted and attainted of Felony, and shall suffer the Pains of Death.

Two Negroes
attainted of
Felony.

II. AND for the encouraging the speedy taking the said *Johnny Congo*, *Christopher*, and *Antego Quamina*, it is hereby further enacted by the Authority aforesaid, That if any white Person or Persons shall apprehend and take the said *Johnny Congo*, *Christopher*, and *Antego Quamina*, or any of them, and shall deliver his or their Bodies alive into the Custody of the Provost-marshal of this Island, or his lawful Deputy, or shall bring sufficient Proof of the said white Person's having, in Pursuit of the said Negro or Negroes, killed him, or any of them; he or they shall, for each of the said Persons so taken and delivered, or killed, as aforesaid, receive from the Treasurer of this Island for the Time being (who is hereby authorized and required to pay the same, upon a Certificate thereof from the said Provost-marshal, attested by any one Justice of the Peace of the said Island) a Reward of Thirty Pounds current Money of this Island, or the Value thereof in Sugar.

Reward for
apprehending
them.

III. AND for the preventing any Negroes, or other Slaves, deserting their Masters Service for the future, and also for the encouraging of such as are deserted to return thereto; be it, and it is hereby enacted by the Authority aforesaid, That where any Negro, or other Slaves, who hath or shall have lived upon this Island for the Space of twelve Months, shall at any Time after the Publication of this Act, absent or withdraw himself from his Master's, Owner's, or Renter's Service for the Term of six Months in one continued Space of Time; or where any such Negro, or other Slave, that now is absent from his Master's, Owner's, or Renter's Service, shall not return to the same within the Space of three Months after the Publication of this Act; every such Offence shall be adjudged Felony, and the Offenders, and every one of them, shall suffer Death.

Negroes ab-
senting them-
selves from
their Owner's
Service, how
to be punish-
ed.

IV. AND in case any Negro, or other Slave, that now is absent from his Master's Service, except the aforesaid *Johnny Congo*, *Christopher*, and *Antego Quamina*, shall voluntarily come in, and surrender himself to his Master, or any Magistrate in this Island, within the aforesaid Term of three Months; such Negro, or other Slave, so surrendering, shall be, and is hereby pardoned and acquitted of any Offence (Murder only excepted) which he shall or may have committed during the Time of such his Absence, and before his Notice of this Act.

Encourage-
ment for ab-
sent Negroes
to return to
their Owners.

V. AND be it further enacted by the Authority aforesaid, That any Person or Persons who shall kill any Negro, or other Slave, who has been absent for the aforesaid Term of six Months in one continued Space of Time from his Master's, Owner's, or Renter's Service, after the Publication of this Act; or shall apprehend or take any such Negro, or other Slave, so as that he be legally convicted of such Offence; such Person or Persons shall receive a Reward for every such Negro, or other Slave, so killed or taken, from the Treasurer of this Island for the Time being (who is hereby authorized and required to pay the same) upon due Proof made before any one Magistrate of this Island, of his or their killing such Negro, or other Slave, or upon Certificate of such Conviction from the Magistrate before whom such Negro, or other Slave, was tried, the Sum of Six Pounds current Money of this Island, or the Value thereof in Sugar.

Reward for
killing or
taking them.

VI. AND

VI. AND be it further enacted by the Authority aforesaid, That after any Negro, or other Slave, is or shall be run away from the Service of his Master, Owner, or Renter; every Negro, or other Slave, who, knowing such Negro, or other Slave, is run away from his Master's, Owner's, or Renter's Service, shall entertain, harbour, receive, or conceal; or any ways aid, assist, or comfort, afford or give any Sustenance to any such Negro, or other Slave, so run away; shall, upon Conviction thereof, according to the Laws and Customs of this Island, for the first Offence be publickly whipt upon the bare Back with any Number of Stripes, not exceeding fifty; and if it shall happen that any such Offender or Offenders shall be convicted a second Time of the like Offence, he or they, upon such second Conviction, shall be adjudged to be publickly whipt upon the bare Back with any Number of Stripes, not exceeding one hundred; and if such Offender or Offenders shall be thereof convicted a third Time, he or they, upon such third Conviction, shall be adjudged to have a further Number of Stripes, not exceeding one hundred and fifty; and so for each After-offence.

1722.
Entertaining,
or run away
Slaves, how
to be punish-
ed.

VII. AND every other free Person or Persons, who, knowing that such Negro, or other Slave, is run away from his Master's, Owner's, or Renter's Service, shall entertain, harbour, receive, or conceal; or any ways aid, assist, or comfort, afford, or give any Sustenance to any such Negro, or other Slave, so run away; shall forfeit (to be levied as hereafter directed) for the first Offence the Sum of Ten Pounds current Money of this Island; and for the second Offence, double, and six Months Imprisonment; and for the third Offence, One hundred Pounds, and one Year's Imprisonment; and be moreover liable to pay for any such Offence to the Owner of such run-away Negro, or other Slave, such several Sum or Sums of Money as are mentioned and enacted in an Act of this Island, intituled, *An Act for the better Government of Negroes, or other Slaves*, and past in the tenth Year of Her late Majesty's Reign; which said aforementioned Act is hereby confirmed, and declared to be in force, to all Intents and Purposes whatsoever.

Penalty on
free Persons
harbouring,
or them.

VIII. AND be it further enacted by the Authority aforesaid, That whenever any of the aforesaid Negroes, attainted by this Act, shall be apprehended, any two Justices of the Peace may and shall award Execution to be done on his or their Bodies, by Warrant under their Hands and Seals, directed to the Provost-marshal, or his lawful Deputy; and that all Felonies, or other Crimes, created by this Act, and committed by any Slave, shall be tried and adjudged; and all Slaves condemned to die before Execution, shall be valued and appraised, to be paid for by the Treasurer of this Island, as is directed by the aforesaid Act; and in all Trials of Negroes, or other Slaves, the Justice or Justices shall and may hear the Evidence of any other Slave, and give such Credit thereunto, as he or they shall in Conscience be convinced such Evidence deserves.

When they
are apprehended, two
Justices may
award Execution
against
them, &c.

IX. AND for the easier and readier apprehending of any Negro, or other Slave, run away from his Master's or Owner's Service; be it, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the Master or Owner of any Negro, or other Slave, or any other Person or Persons by his Direction, to enter any Negro House or Houses, by Night or Day, to search for any Negro, or other Slave, absenting himself from his Service, without any Warrant from any Magistrate for that Purpose, having first given Notice thereof to the Master, Owner, or Overseer, on the said Plantation.

Negro Houses
may be
searched for
such Slaves,
&c.

X. AND be it further enacted by the Authority aforesaid, That if any Negro, or other Slave, shall have absented himself from his Master's Service above the Space of six Months; or shall have wilfully murdered any Christian, or Slave, belonging to his own Master, and the Master or Owner of such Negro, or other Slave, shall conceal or neglect to prosecute such Slave, guilty of any the aforesaid Crimes, for the Space of three Months after such Offence committed;

Penalty on
their Owners
neglecting to
prosecute
them for Mur-
der, &c.

1722.

mitted; that then, and in such Case, if any other Person shall prosecute such Slave for such Offence, and he, she, or they shall be legally convicted thereof, the Master or Owner of such Negro, or other Slave, shall forfeit and pay the full Value of the said Slave to the Person or Persons so prosecuting; and the Master or Owner in such Case, shall be, and is hereby debarred from receiving from the Treasurer or Publick of this Island, any Sum or Sums of Money, or other Consideration, for such Negro, or other Slave, so convicted or executed; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Penalties incurred by Owners of Slaves, how to be levied.

XI. AND for the more speedy and effectual enforcing the Payment of such Forfeiture, it is hereby further enacted by the Authority aforesaid, That any Justice of the Peace for this Island, may in such Case issue out his Warrant, directed to two substantial Persons, to value and appraise such Negro, or other Slave, so prosecuted and convicted, as aforesaid; and in case the Master or Owner shall refuse to pay what he, she, or they shall so be appraised at, to issue his Warrant to the Provost-marshal, or any Constable in the said Island, commanding him to levy the same upon the Goods and Chattels of such Master or Owner, and to pay the same to the Person or Persons so prosecuting as aforesaid.

Slaves not permitted to go out of their Owner's Plantations without a Ticket, &c.

XII. AND be it further enacted, That no Master, Owner, or Renter of Negroes, or other Slaves, shall give any Slave or Slaves Leave on *Sundays*, or any other Time, to go out of their Plantations (except such as usually wait upon them, and no other) except with a Ticket under the Master's, Mistress's, or Manager's Hands, specifying the Time allowed such Negro, or other Slave, to be absent; and if any Master or Owner of a Plantation finds any Negro or Slave on his Plantation without a Ticket, or Business from his Master or Owner, and doth not punish him with a moderate Whipping, not exceeding twenty Stripes, he shall forfeit Twelve Shillings current Money.

on pain of being apprehended and whipt, &c.

XIII. AND be it further enacted by the Authority aforesaid, That any white or free Person or Persons may apprehend any Negro or Negroes, or other Slave or Slaves, that shall be found out of his Master's or Owner's Plantation at any Time, especially *Saturday-nights*, or *Sundays* and Holy-days, not being on their Master's or Mistress's Business, nor having such a Ticket, or not having a white Man with them (except as before) and the said Negro or Negroes, Slave or Slaves, may correct with moderate Whipping, as aforesaid: And if any such Negro, or other Slave, shall be armed with Clubs, wooden Swords, or other mischievous Weapons, and found out of their Master's or Owner's Plantation, though with a Letter or Ticket, they may be taken up, disarmed, and whipped, as aforesaid.

Penalty on Masters suffering them to blow Horns, &c.

XIV. AND be it enacted by the Authority aforesaid, That whatsoever Master, Mistress, Manager, or Overseer, who has any Negroes under his Care, shall suffer his or their Negroes or Slaves, at any time, to beat Drums, blow Horns, or use any other loud Instruments, or shall suffer any publick Meetings or Feastings of strange Negroes, or other Slaves, in his or her Plantation; he or she so offending, shall forfeit Twenty Pounds current Money for every such Offence; provided Information of the same be made and given upon Oath to one of His Majesty's Justices of the Peace of this Island, within one Month after such Offence committed.

Negroes Houses to be searched every 14 Days, and Goods not honestly come by, taken thereout, &c.

XV. AND that every Master, Mistress, or Overseer of a Family, shall, under the Penalty of Twenty Shillings current Money, cause all his or her Negroes Houses to be searched once every fourteen Days at the least, for run-away Negroes, Clubs, wooden Swords, and other mischievous Weapons, and also for Clothes, and other Goods not honestly come by; and what they suspect to be stolen they shall seize, and give Notice thereof to the Clerk or Constable of the Parish, within six Days after, who shall set up a short Notice of the same on the

the Posts of the Church-door; whereby the Looser, declaring the Marks; or describing the Goods, may have the same again without Cost or Charges.

XVI. AND be it further enacted by the Authority aforesaid, That such Christians as shall apprehend and bring any run-away Negro unto the Provost-marshal of this Island, or his Deputy, or to the Gaol, shall deliver upon Oath an Account of the Name, and when and where he apprehended such fugitive Slave, and that he knew of no Ticket the Slave had, nor of his Owner; and the Keeper of the Gaol, at the Re-delivery of such Slave, shall take a Receipt of the Person to whom delivered, with a Description of the Slave delivered.

1722.

The Name of any Slave, and where apprehended, to be delivered on Oath.

XVII. AND be it further enacted by the Authority aforesaid, That the Commanding Officer on this Island for the Time being, if he shall have Notice of the residence or hiding of any run-away Negroes, or other fugitive Slaves, shall and may raise and arm, of Dragoons, or Foot Militia, a sufficient Number of Men, to pursue and apprehend, or kill any such Negroes, or other Slaves: And if any Person of the Dragoons, or Foot, being in Health, and able to travel, shall refuse to go in quest of such Run-aways, he shall forfeit Thirty Shillings current Money: And whoever shall apprehend or take any run-away Slave, absconding in the Mountains of this Island, or in the Lands lying to Windward of *Frigate Bay*, or who hath been absent from his Master's Service two Months, or more; shall receive, as a Reward for taking and apprehending each and every such Negro, the Sum of Twenty eight Shillings; to be paid by the Owner of the said Negro, if delivered to him; or by the Marshal, if delivered at the Gaol.

Commanding Officer to raise the Militia to pursue Negroes.

XVIII. AND be it further enacted by the Authority aforesaid, That whatsoever Negro, or Slave, shall hear another Negro, or Slave, speaking any Words tending to Mutiny or Rebellion; or that shall have, or shall prepare any Guns, Powder, Ball, Swords, or warlike Instruments, other than what are allowed for watching, and shall discover the same to any Justice of the Peace; the said Justice, and one other next Justice, shall cause the Slave accused to be apprehended; and if they find the Accusation just, the said Slave shall be tried by two Justices of the Peace, in the Manner as Murthers, and other Felonies, are hereby before directed to be tried; and if the said Slave be found guilty, and condemned to Death, he shall be appraised in such Manner as; and at no greater Price, than is appointed and limited in and by the abovementioned Act; and the Negro, or Slave, giving such Information, shall be paid by the Treasurer, out of the Treasury, Three Pounds current Money: But if any Negro, or Slave, so accusing or informing against any other Negro, or Slave, shall not make good his Accusation, to the Satisfaction of the Persons who shall try the Negro, or Slave, so accused; then such Accuser shall have and receive such Punishment, not extending to Life or Member, as the said Justices shall think fit.

Negroes discovering others preparing to rebel, to have 3 l. Reward, on Conviction of the Parties.

XIX. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall buy any Sugar, Rum, Molosses, Syrup, Cotton, Wine, or other Strong-liquors, Plate, wearing Apparel, or household Goods, from any Negro, or other Slave, except such Negro, or Slave, shall have a Ticket for that Purpose from his or her Master, Owner, Renter, or Overseer; such Buyer or Purchaser, being legally convicted of any such Crime, not exceeding twenty Shillings Value, shall suffer six Months Imprisonment; and for every such Crime exceeding twenty Shillings Value, shall be, and is hereby declared to be guilty of Felony, and shall suffer accordingly.

Penalty on Persons buying any Goods of Slaves not having a Ticket for that Purpose.

XX. AND it is further enacted by the Authority aforesaid, That the one Moiety of all the Penalties and Forfeitures imposed, laid, and arising by virtue of this Act, shall be paid to the Treasurer of this Island for the Time being, for the defraying the publick contingent Charges of this Island; and the other Moiety thereof to the Informer; to be levied by Distress and Sale of

Forfeitures how to be divided.

1722.

the Goods and Chattels of every and any Person or Persons offending or acting contrary to this Act, and the true Meaning and Intent thereof, by Warrant under the Hand and Seal of any one Justice of the Peace of this Island; to be directed to the Provost-marshal, or his lawful Deputy, or to any Constable of the Island.

Persons sued,
may plead the
general Issue.

XXI. AND be it further enacted by the Authority aforesaid, That in every Action, Suit, Indictment, Information, or Prosecution, wherein or whereby any Person or Persons shall be sued, indicted, prosecuted, or molested, for the doing of any Matter or Thing in the said Acts, or either of them, contained; it shall be lawful for all and every the said Persons, their Heirs, Executors, and Administrators, to plead the general Issue, and to give this Act in Evidence in any Court or Courts of Justice where the Matter shall be depending: And also, that the said Acts, and either of them, shall be taken and allowed in all Courts within this Island as publick Acts; and all Judges, Justices, and Juries, are hereby required to take Notice thereof accordingly.



1722-3.
No 53.
Repealed.

An Act for regulating Vestries; and for erecting into a Parish Part of the Quarter of this Island called Balsterre Quarter, by the Name of the Parish of St. George Balsterre; and for repealing an Act of this Island, intituled, An Act for regulating the Vestries, passed in the tenth Year of Her late Majesty's Reign; and for annexing other Parts of the said Quarters to the respective Parishes of St. Mary Cayon, and Trinity Palmeto Point.



No 54.

An Act for enjoining all Vessels or Persons coming from Places infected with the Plague, Small-pox, or other contagious Distempers, to perform a due Quarantine; and to prevent as much as may be the Dangers with which this Island is at present threatened, by the Small-pox being already therein.

FORASMUCH as several Parts of *France* are at present afflicted with a grievous Plague; which, unless due Care be taken, may, by Vessels directly from thence, or from the *French Islands*, bring a Contagion into this Island;

Island: And whereas this Island has many times suffered by the Small-pox, and other infectious Distempers, brought hither by Vessels coming from the Coast of *Guinea*, *New England*, and other infected Places: For preventing which Evil as much as in human Discretion may be, no Act of this Island having been yet made, to give a due Authority for so good an End; we therefore, Your Majesty's most dutiful and loyal Subjects, the Governor in chief of these Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of *St. Christopher's*, do pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in chief of the Leeward Caribbee Islands, and the Council and Assembly of this Island, That from and after the Date of this Act, no Vessel whatsoever, coming to this Island from any Country infected with the Small-pox, Plague, or any contagious Fever, shall permit any Person to come on Shore, or presume to land on this Island from on board the said Vessel any Goods or Merchandize whatsoever, until the Master or Commander of the said Vessel shall, if coming from any Country infected as aforesaid, have produced a Certificate, as hereafter expressed, or performed a due Quarantine, as hereafter directed: And all Masters or Commanders of Vessels, or other Persons coming from any Country infected, as aforesaid, who shall presume to put, or suffer to be put on Shore any Person or Goods in Contempt of this Act, having first Notice thereof, as hereafter directed; he shall suffer for such Crime six Months Imprisonment, and forfeit the Sum of One hundred Pounds of current Money of this Island; to be levied and applied as by this Act is hereafter directed.

1722-3.

Penalty on Masters of Ships coming from infected Places, landing Persons or Goods.

II. AND be it further enacted by the Authority aforesaid, That no Vessel be permitted to send any Boat with Goods or Persons on Shore, till they have been first hailed by the Gunner of the respective Fort or Battery where they arrive, to whom they shall give a true Answer, whence they came; and if it shall so happen the said Vessel came from any infected Country, the said Gunner shall forbid their landing any Goods, or coming on Shore, but order them to return on board; which if they obstinately refuse, he shall oblige them so to do, by firing at them with small Arms, or from his Battery: And every Gunner neglecting to perform his Duty, shall for such Offence be removed from his Place as Gunner, and suffer six Months Imprisonment, without Bail or Mainprize; the said Commitment to be made by Warrant under the Hand and Seal of the Commander on this Island for the Time being, directed to the Deputy Provost-marshal of this Island.

Gunner of any Fort may hinder such Persons landing.

III. AND be it further enacted by the Authority aforesaid, That, to the Intent no Vessel or Person coming to this Island may meet with any Let or Molestation, or be any ways hindered from landing Persons or Goods, but such only as come from Places infected, as aforesaid, the Commander in chief on this Island for the Time being is hereby required from Time to Time, and at all Times, to give Directions in Writing to the said Gunners, what Places and Countries he has Intelligence of being infected with such contagious Distempers.

Commander in chief to give Notice to Gunners what Places he is informed are infected.

IV. AND be it further enacted by the Authority aforesaid, That, least any infectious Distempers, as aforesaid, be brought into this Island from any Place or Country, of which no Notice can have been afore had, of contagious Distempers raging there, or by any Vessel actually having such Distemper on board, the said Gunner shall, at hailing every Vessel, as aforesaid, enquire whether any Person on board have any infectious Distemper, or come from any Place infected with any such Distemper; and on his giving them Notice of the Penalties mentioned in this Act (if by Falshood or Deceit they contravene nevertheless to the Meaning and Intent of this Act) then the Commander of such Vessel shall suffer as abovementioned.

If no such Information can be given, Gunner to enquire of the Master of the Vessel, &c.

V. AND

1722-3.

A Surgeon to
be provided
to search the
Ship, &c.

V. AND be it further enacted by the Authority aforesaid, That the Commander in chief on this Island for the Time being, shall direct and appoint a Chirurgeon at each Town on this Island, or some Person of Credit, if no Chirurgeon live there, or within convenient Distance; to whom the Gunner abovementioned shall give immediate Notice of any Vessel being arrived, as aforesaid, from any infected Country, or from the Coast of *Guinea*; who shall immediately repair on board such Vessel, and make strict Enquiry, whether any Person labouring actually under any infectious Distemper be on board; in which Case he shall inform the said Vessel of the Meaning and Penalties of this Act, and enjoin their immediately departing this Island, to perform Quarantine; and on his coming on Shore, shall not presume to go into any Company till he have shifted all his Clothes; and shall then give the Gunner Notice, not to permit any Boat with Persons or Goods, on any account whatsoever, to come on Shore; but by firing small Arms, or Guns from his Battery, shall oblige the said Vessel to sail immediately from this Island.

To give a Certificate to the
Gunner, if
no infected
Persons are
on board.

VI. AND be it further enacted, That where the said Chirurgeon or Person shall find such Vessel, so coming from *Guinea*, or any other infected Country (Places afflicted with the Plague only excepted) on board, whereof no Person shall be labouring actually under any infectious Distemper, as aforesaid, he may, and is hereby required to give a Certificate under his Hand, certifying no such infected Person being on board; upon which Certificate, and Notice thereof, on his coming on Shore to the Gunner, the said Vessel may be permitted to unlade, and the Persons on board to come on Shore.

Penalty on
Persons going
on board be-
fore Ship is
searched.

VII. AND be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to go on board any Ship or Vessel coming to this Island, before the Gunner shall have hailed such Ship or Vessel; and if come from any infected Place, or from the Coast of *Guinea*, before a Chirurgeon shall have searched such Ship or Vessel, and made his Report of the Health of the Persons on board; such Person and Persons shall suffer three Months Imprisonment, and forfeit and pay the Sum of Fifty Pounds current Money of this Island; to be levied and applied, as hereafter directed.

Surgeon's Fee.

VIII. AND be it further enacted, That the Chirurgeon, or Person as aforesaid, may for his Trouble of going on board, and viewing the Vessel as aforesaid, before he give such Certificate, demand and receive of the Master or Commander of the said Vessel, a Sum not exceeding twenty eight Shillings; any Custom, Law, or Usage to the contrary in any wise notwithstanding.

Penalty on
Surgeon per-
mitting any
Persons to
come ashore
with him
from the Ves-
sel;

IX. AND be it further enacted by the Authority aforesaid, That no Person whatsoever, who shall go in any Boat with the Chirurgeon, or Person as aforesaid, shall presume to go on board any such Ship or Vessel, under Penalty of one Month's Imprisonment, without Bail or Mainprize; to which such Offender shall be adjudged by any Justice of the Peace in this Island, upon Proof thereof made before him, by the Oath of one or more credible Witnesses: Nor shall the said Chirurgeon, or any Person going to make such View, or the Boat's Crew which shall carry him on board, permit any Person whatsoever, on any account whatsoever, to come on Shore from such Ship or Vessel in the said Boat with them, under Penalty of forfeiting the Sum of One hundred Pounds current Money; to be levied and applied as herein after directed.

and on Sailors,
&c. belong-
ing to any
Boat, refusing
to go with
the Surgeon
to the Ship.

X. AND be it further enacted by the Authority aforesaid, That any Gunner, or other Person or Persons, may, on Refusal of any Owner of any Boat or Canoe, oblige and force the Sailors, or Persons belonging to the said Boat or Canoe, to go immediately with the Chirurgeon, or Person aforesaid, on board such Vessel; which if they obstinately refuse to do, he or they may charge the nearest Constable with the Custody of their Persons, who shall carry them to the nearest Magistrate, who having Proof by Oath of the said Gunner, or other Person or Persons, of such Refusal, is hereby required and authorized to commit them to the Gaol of this Island, there to remain for the

Space

Space of one Month, without Bail or Mainprize, by Warrant under his Hand and Seal, directed to the Deputy Provost-marshal of this Island for the Time being.

1722-3.

XI. AND be it further enacted by the Authority aforesaid, That the said Deputy Provost-marshal of this Island for the Time being, or any his Deputy, shall for every Refusal or Neglect of any Duty enjoined him by this Act, forfeit the Sum of Twenty Pounds current Money; to be levied and applied, as hereafter expressed.

Penalty on Deputy's Default.

XII. AND be it further enacted by the Authority aforesaid, That least any Vessel coming to this Island meet with any unnecessary Delay, to prevent her trading as usual, the Chirurgeon, or Person aforesaid, is hereby required, on Notice from the Gunner, as aforesaid, to repair immediately on board such Vessel, to view her, and those on board, and to do such Duties as are required by this Act, under Penalty of forfeiting the Sum of Twenty Pounds current Money; to be levied and applied, as hereafter directed, upon Proof of the said Person or Chirurgeon's having made such Delay without just Cause or Reason, by the Oath of the said Gunner, and upon Complaint of the Master or Commander of the said Vessel; which Oath and Complaint shall be made within forty eight Hours at farthest after such Refusal or Neglect, before the Commander on this Island for the Time being.

Chirurgeon to examine Ships immediately upon Notice.

XIII. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commander on this Island for the Time being, to oblige any Chirurgeon, living in any Town, or within any convenient Distance of the same, to perform the Duties enjoined by this Act, on Penalty, in case of Refusal, of being by this Act rendered incapable of practising as a Chirurgeon, Apothecary, or Doctor in this Island; and on Penalty of One hundred Pounds, if he be proved guilty of such Refusal or Neglect, and do nevertheless presume to practise, as aforesaid.

Commander may oblige Chirurgeons to perform the Duties of the Act.

XIV. AND be it further enacted by the Authority aforesaid, That on any Vessel's coming from any Place infected with the Plague, or other such Distemper, as aforesaid; the Gunner, upon his hailing them, and learning by their Answer they come from such Places so infected, shall give them Notice not to permit any Person whatsoever to come on Shore, nor any Person whatsoever to go on board, until such Ship or Vessel shall have performed the Quarantine herein after directed, and until such Certificate as is herein after directed shall be given, of the Health of the Persons on board: And it shall and may be lawful for the said Gunner, or any other Person, if he or they can by no other Means prevent them, to kill, and put to Death with any Weapon any Person so coming on Shore, notwithstanding such Notice from the Gunner, as aforesaid, from on board any Vessel coming from any Country so infected, or on board of which the Plague, or any of the Distempers aforesaid may actually be; nor shall such Vessel remain at Anchor in any Road of this Island, but shall immediately be obliged to depart thence to the Place herein after appointed for the performing Quarantine, by firing small Arms or great Guns at them: And no Person whatsoever, that in Contravention of this Act shall presume, notwithstanding such Notice, to go on board any Vessel coming from any Country infected as aforesaid, or having the Plague, or any of the said Distempers on board them, shall be permitted to return on Shore, but deemed Persons belonging to the said Vessel; and on their endeavouring so to do, may be killed or destroyed, as aforesaid.

Gunner to oblige Vessels from infected Places to Quarantine;

XV. AND be it further enacted by the Authority aforesaid, That every Vessel coming to this Island from any Place, or having on board any Persons infected with the Plague, Small-pox, or any contagious Fever, shall immediately, upon Notice thereof given, depart from the Port or Place where she may happen to arrive; and in case the Persons on board such Vessel shall refuse or delay so to do, the Gunner, or other Person commanding in any the Forts

and to retire;

1722-3.
Limitation of
Distance,
and Time.

Vessels not
discharged
before Cer-
tificate and
Oath of the
Chirurgion
first made.

Caution a-
gainst French
Vessels.

Provision for
Ships in Di-
stress.

Forfeitures
how to be le-
vied and ap-
plied.

or Batteries of this Island, is hereby required and enjoined by Force to compel them so to do; but such Ship or Vessel so departing, shall and may nevertheless, if the Master, or other Person on board thereof think fit, lie at Anchor at a certain Place in this Island, called *French Fig-tree Fort*, and at the Distance of one Mile at the least from the Shore, but at no other Bay or Place within the same; and after the same Vessel shall have continued there by the Space of forty Days, if the said Vessel hath come from any Place, or has or hath had any Person on board infected with the Plague; or by the Space of thirty Days, if the said Vessel hath come from any Place, or has or hath had any Person on board infected with the Small-pox, or any contagious Fever; it shall and may be lawful for any Person on board the said Vessel to come on Shore in this Island, and to bring the said Vessel into any Port, Road, or Bay in this Island, and there unload the same, and trade, as they might have done in case they had not come from any such infected Place; any thing herein before contained to the contrary thereof in any wise notwithstanding: Provided the Chirurgion, or other Person so for that Purpose to be appointed, as aforesaid, shall give a Certificate under his Hand, and attest the same upon Oath before any Magistrate in this Island, That no Person belonging to, or being in such Vessel, then is, as he knows or believes, infected, or sick of any of the Distempers aforesaid; and that the Bedding, wearing Apparel, and other Clothes used by any Person, who hath laboured under any of the said Distempers on board such Vessel, be first burned or destroyed.

XVI. AND be it further enacted by the Authority aforesaid, That until a certain Account do come of the Plague's being entirely ceased in the Kingdom of *France*, no Vessel whatsoever of any Nation coming from *Martinique*, *Guadaloupe*, or any other French Settlement, shall be permitted to lie at Anchor in any Road in this Island; nor any Person to come on Shore from on board them, until the Person, or Chirurgion aforesaid, shall have viewed and certified, as aforesaid; and the Gunners respectively are to give due Notice herein, as afore directed.

XVII. AND be it further enacted by the Authority aforesaid, That in case any Vessel coming from Places infected with Small-pox, or other contagious Distempers, be in great Distress, for want of Wood, Water, or Provisions, except such as come from Places infected with the Plague, it shall and may be lawful for any of His Majesty's Subjects to carry sufficient Supplies on board them: Provided nevertheless, That they do not presume, under the Penalties mentioned in this Act, to return on Shore till they have performed on board the said Vessel the Quarantine enjoined by this Act to be performed by the Persons belonging to the said Vessel.

XVIII. AND be it further enacted by the Authority aforesaid, That all Fines and Forfeitures directed to be levied by this Act, shall be by Warrant under the Hand and Seal of the Commander of this Island for the Time being, directed to the Deputy Provost-marshal of this Island for the Time being, who shall levy the same within three Days after the Date of such Warrant, on the Goods and Chattels of such Offender, if he refuse on Demand to pay the same; and for want of such Goods, he shall arrest and attach the Person of the said Offender, and him in safe Custody keep, till the said Fine and Forfeiture, with the usual Fees to him the said Deputy Provost-marshal, be paid and discharged; and where such Goods and Chattels shall be seized, they shall be sold at publick Outcry in the nearest Town, on due Notice being first given thereof to the Offender, between the Hours of Nine and Twelve in the Forenoon; rendering the Overplus, if any be, to the Owner, after such Fines, and the usual Fees be discharged: And all Fines and Forfeitures so levied, as aforesaid, shall be paid into the Hands of the Treasurer of this Island for the Time being; to be applied as from Time to Time shall be directed by the Commander in chief on this Island for the Time being, with the Advice and Con-
sent

sent of the Council and Assembly of this Island, towards erecting, supporting, and maintaining an Hospital, or Infirmary in this Island.

XIX. AND whereas divers Persons in the Quarter of *Bajsterre* in this Island, are already afflicted with the Small-pox: To prevent therefore as much as may be the said Distemper from spreading further, be it, and it is hereby further enacted by the Authority aforesaid, That a House or Houses be immediately erected at the *Bluff* Point, and any other Place in the said Quarter, if the Commissioners to be appointed, as herein after directed, or any three of them shall see fit, sufficient to serve as an Hospital for the receiving of all such Negroes and Slaves, as now, or at any Time hereafter may have the said Distemper, or any other contagious Distemper: And that if any Negro, or other Slave within the said Quarter, shall hereafter be taken with the said Distempers, or any of them, the Owner or Master of such Slave, or, in his Absence, whoever else shall have the Care and Command of such Slave, shall, within four Hours after Notice of any Slave's having the same, convey, or cause the same Slave to be conveyed to the said Houses or Hospitals, or one of them: And in case the Small-pox, or any contagious Distemper shall break out in any other Quarter of this Island, it shall be in the Power of the Commissioners to be appointed, as herein after directed, or any three of them, to erect, or cause to be erected any House or Houses in the same Quarter, for the receiving such Negro or Slave, or any other Slaves that may then after be visited with such Distemper within the said Quarter.

1722-3:

Houses to be erected for the Reception of infected Slaves;

XX. AND it is hereby further enacted by the Authority aforesaid, That a sufficient Number of Persons shall be provided and hired by such Commissioners, or any three of them, to take Care of, and administer Physick, and other Necessaries for such Slaves, as shall be sent thither: And that the Charge and Expence thereof, as well as of the building such Hospital, as aforesaid, and providing Guards, as is herein after mentioned, shall be defrayed out of the Publick Stock, or Monies of this Island: And the Commander in chief of this Island for the Time being, may, and is hereby impowered to order the Treasurer of this Island for the Time being (who is hereby authorized and impowered so to do) to pay any Sum or Sums of Money which he shall see necessary for the Purposes aforesaid: And in case any Master of any Slave, or such Person aforesaid, shall conceal such Distemper, or neglect to send his Slave having such Distemper, as aforesaid, to such Hospital so provided, or to be provided, as aforesaid, by the Space of four Hours after he shall have Knowledge thereof; or in case any Person administering Physick, as Doctor in this Island, where he knows or believes any white Person or Slave hath such Distemper, shall not give immediate Notice thereof to the Commissioners beforementioned, or one of them in that Quarter where the same shall be; such Doctor or Master, or such Person as aforesaid, being thereof convicted before any Magistrate, upon the Oath of one or more credible Witness, or other sufficient Testimony, shall forfeit the Sum of One hundred Pounds current Money; to be levied on his Goods and Chattels, and to be applied in like Manner as the other Forfeitures beforementioned.

and supplied at the Publick Expence.

Penalty on Doctors or Masters concealing the Distemper.

XXI. AND be it, and it is hereby enacted by the Authority aforesaid, That the Commander in chief of this Island for the Time being, shall have full Power and Authority to nominate and appoint four Persons in each Quarter of this Island, to be Commissioners for the putting this Act in Execution, and the same Commissioners at any Time to displace, and to appoint others in their stead; which said Commissioners, or any two of them, are hereby impowered and authorized to place Guards, as well over such Hospitals, as over the Houses of any white Persons where the said Distempers, or any of them may happen to be, to prevent the Access of any Persons (such Person or Persons as are necessary to attend the Sick, only excepted) to such Houses, and to hinder the Sick, or any other Persons residing in the said Houses from going abroad, till the

Commander to appoint Commissioners to execute the Act;

1722-3. the Commissioners aforesaid, or any two of them, shall be satisfied the Infection is over, and shall give them Leave so to do.

XXII. AND it is hereby enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any two of them, in the respective Quarters where they shall be appointed, to visit all such Plantations and Houses there, as they shall be informed, or shall suspect any such Distemper to be.

XXIII. AND it is hereby further enacted by the Authority aforesaid, That the Commander in chief of this Island for the Time being, shall, and hereby hath full Power and Authority to hire, and in case a sufficient Number of Persons cannot be hired, to impress any Person or Persons he shall think fit, who have already had the Small-pox, to guard such Houses, as aforesaid; and to order such a Number of Persons for the Guard of such Houses, as the Commissioners aforesaid, or any two of them shall require: And in case any Person or Persons shall presume to go abroad from any House after any Guard is placed there, further than the Plantation to which such House shall belong, unless by the Permission from the Commissioners aforesaid, or two of them, first had and obtained; such Person or Persons, upon Proof thereof made before the Commander in chief of this Island for the Time being, shall be by him committed to the common Gaol of this Island, there to remain without Bail or Mainprize for the Space of one Year.

XXIV. AND forasmuch as the Honourable Lieutenant-general *William Mathew*, hath been desired by the Council and Assembly of this Island to use such Means as he should think fit, before any Act could for that Purpose be made, to prevent the spreading of the Small-pox in this Island: It is hereby further enacted by the Authority aforesaid, That the said *William Mathew*, his Heirs, Executors, and Administrators, or any other Person acting by his Order therein, and every of them, shall be, and are hereby saved harmless and indemnified, for any thing which he or they shall have done for the Purposes aforesaid.

XXV. AND that the Commander in chief of this Island for the Time being, where he hath any Cause to suspect Danger from any Goods supposed to be infected, shall and may order the said Goods to be burned; and to order the Treasurer of this Island for the Time being (who is hereby authorized and empowered so to do) to pay for the same whatsoever such Goods shall be valued at.

XXVI. AND be it further enacted by the Authority aforesaid, That where any Person or Persons shall be sued, impleaded, or prosecuted for Performance of any Duty enjoined them by this Act; the said Person or Persons shall be permitted by any Judge, Justice, or Magistrate within this Island, to plead this Act in bar of any such Action or Suit; the said Judge, Justice, or Magistrate is hereby required to admit such Plea, and thereon to discharge the Person impleaded or prosecuted, as aforesaid.

who are to visit suspected Places.

Commander to appoint a Guard over infected Houses.

Clause of Indemnity, for Things done before making this Act.

Suspected Goods to be burned, and Treasurer to pay the Value.

Persons sued, may plead the Act.

1722.

An Act for the Relief and Release of John Sedgwick, and others, poor distressed Prisoners for Debt in the Island of St. Christopher's. 1722.
Pivna.

An Act for the continuing and carrying on the Works of the Fortifications of Brimstone-hill and Charles Fort, and other the Fortifications of this Island, for one Year longer; and also for continuing Part of a certain Act of this Island, intituled, An Act for employing Negroes on the Fortifications of this Island; and for rendering more effectual, and explaining an Act for raising a Tax by the Poll on all Slaves in this Island; and also for raising Five hundred Pounds upon the Inland Trade of the same, for the Time in this present Act mentioned. 1723.
Expired.

An Act to prevent the casting or unlading any Ballast or Rubbish in the Havens, Roads, or Creeks of this Island.

BE it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-general, and Governor in chief of all His Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of the Island of St. Christopher's, and by the Authority thereof, That no Master or Masters, Commander or Commanders, or other Person having the Charge of any Ship, Vessel, or Boat whatsoever, or any other Person or Persons, do, from and after the Date of this Act, cast or unlade out of any Ship, Vessel, or Boat, being within any Port, Haven, Road, or Creek of this Island, any manner of Stones, Ballast, Rubbish, Gravel, or Filth, but only upon the Land above the full Sea Mark; upon pain, that every Person and Persons so offending against this Act, shall forfeit and pay for every time he or they shall so offend, the Sum of Twenty Pounds current Money of this Island; the one Moiety thereof to His said Majesty, His Heirs and Successors, to be paid into the Hands of the Treasurer of this Island for the Time being, and to be employed for and towards the maintaining and keeping in Repair the

Penalty on Persons casting Ballast into the Sea;

1723.

Penalty how
to be levied.

the Fortifications and Garrisons thereof; and the other Moiety to such Person or Persons as shall inform against any one offending against this Act.

II. AND be it further enacted by the Authority aforesaid, That upon Proof made before any of His Majesty's Council of this Island, or any Judge of the Court of King's-bench and Common-pleas thereof, by the Oath of one credible Witness, or Confession of the Party or Parties offending against this Act, of the casting or unloading of any Stones, Ballast, Rubbish, Gravel, or Filth in any Port, Haven, Road, or Creek of this Island, otherwise than as before in this Act is directed; the said Counsellor or Judge shall, by Warrant under his Hand and Seal, command the Provost-marshal of this Island for the Time being, or his lawful Deputy, to levy of the Goods and Chattels of the Person and Persons so offending, the said Sum of Twenty Pounds: And if such Offender or Offenders shall have no Goods and Chattels, whereupon or whereof to levy the said Penalties; then such Offender and Offenders shall, by Warrant under the Hand and Seal of the Counsellor, or Judge before whom such Proof or Confession shall be made, as aforesaid, be committed to the common Gaol of this Island, there to remain until such Time as such Offender and Offenders shall have paid and discharged the Penalties so by him or them incurred by virtue of this Act.



No 58. *An Act to prevent the Abuses committed in the Importation of Wheat Flour, and bottled Liquors into the Island of St. Christopher's.*

Flour to be
sold only by
Weight,

on Penalty of
300 l.

WHEREAS very great Abuses have constantly been committed in the Importation of Wheat Flour, and bottled Liquors into the said Island of St. Christopher's; which Mischief is likely to increase, by People's still lessening their Cask and Bottles which contain the Flour and Liquors, unless some Remedy be applied to prevent the same: Be it therefore enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-general, and Governor in chief of all His Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of the said Island of St. Christopher's, and by the Authority thereof, That no Person or Persons whatsoever shall, after the Date of this Act, vend, utter, sell, or buy in the said Island any Flour used in the making of Bread, otherwise than by Weight: And if any Person or Persons shall presume to sell any such Flour by the Barrel, or by the Cask, or otherwise than by Weight; all the Flour so sold shall be forfeited and lost; and as well the Party and Parties selling, as the Person and Persons buying such Flour otherwise than by Weight, shall each and every of them forfeit and pay the Sum of Three hundred Pounds current Money, for every Barrel or Cask of such Flour, as shall be sold or bought contrary to the Directions of this Act.

II. AND be it further enacted by the Authority aforesaid, That all Beer, Ale, Cyder, and Mum, and all Canary and Rhenish Wines, and all other Wines and

and Strong-liquors whatsoever, which from and after the twentieth Day of *January* next shall be imported into this Island in Bottles, shall be in Manner following; that is to say, All Wine and Mum in full Quart or Pint Bottles, according to Wine Measure; and all other of the said Liquors in full Quart or Pint Bottles, according to the Measure commonly called *Winchester* Measure; and all and every of the aforesaid Liquors, which after the Time aforesaid shall be imported into this Island in any Bottles other than the aforesaid Measure, shall be forfeited and lost: And if any Person or Persons shall, after the Time aforesaid, import into this Island, or therein vend, utter, or sell any of the aforesaid Liquors in any other Bottles less than of the Measure aforesaid, he or they shall forfeit for every Bottle which he or they shall so import or sell, Eighteen Pence for every Quart, and Nine Pence for every Pint Bottle, current Money of the said Island; the one Moiety of all which said Forfeitures and Penalties in this Act beforementioned, shall be to the Use of the Poor of the Parish or Place where such Offence shall be committed; and the other Moiety thereof to the Informer.

1723.
Bottled Li-
quors how to
be imported.

III. AND be it further enacted by the Authority aforesaid, That where any Person or Persons shall be convicted of having offended against this Act in any of the Matters aforesaid, by the Oath of one sufficient Witness before any Justice of the Peace of this Island (who by virtue of this Act shall have Power to administer an Oath in that Behalf) the said Justice shall, by Warrant under his Hand and Seal, cause the Constable or Constables of the Parish or Place where any of the aforesaid Offences shall be committed, to levy of the Goods and Chattels of such Offender or Offenders the several Penalties and Forfeitures which such Person or Persons shall incur or become liable unto by virtue of this Act, by way of Distress and Sale of the said Offender's said Goods and Chattels; rendering the Overplus, if any shall be, to the Party or Parties so offending: And the said Justice of the Peace to whom such Information shall be given, and before whom Proof shall be made of any such Flour being sold or bought, or of any of the aforesaid Liquors being imported or sold contrary to the true Intent and Meaning of this Act; shall, by Warrant under his Hand and Seal, cause such Flour and Liquors, and every of them, to be seized by the Constable or Constables of the Parish or Place where the same shall be: And the said Constables, and every of them, are, and is hereby empowered and authorized, having a Warrant for that Purpose, by Day-light to enter any House, Ware-house, Shop, or Place where they or he shall suspect, or be informed such Goods shall or may be concealed; and the said Goods being found, to seize and carry away; and the same Goods, and every of them, to sell at publick Sale or Outcry to the best Bidder, within twenty four Hours after such Seizures shall be made.

Penalties how
to be levied,

IV. AND be it further enacted by the Authority aforesaid, That the Money arising by such Sale, and all other the Forfeitures and Penalties arising by this Act, shall, by the aforesaid Justice by whom such Warrant or Warrants shall be granted, be distributed according to the aforesaid Directions of this Act, all reasonable Charges of Seizure and Sale, and other Charges and Expences incident thereunto, being first deducted and paid out of each Forfeiture and Penalty.

V. AND be it further enacted by the Authority aforesaid, That no Justice or Justices of the Peace, Constable, or other Person or Persons authorized by this Act for the due Execution thereof in any Point, shall be sued, impleaded, or otherwise impeached for doing or executing their said Offices respectively: And if any Suit or Suits hereafter shall be commenced against them, or any of them, or any of their Assistants, touching or concerning the Premises, that then it shall be lawful for them, and every or any of them so sued or troubled in any Court whatsoever, to plead the general Issue, and to give this Act, or any other special Matter in Evidence: And in case, by or upon this

Persons sued,
may plead the
general Issue,

AG,

1723.

Act, they, or any of them shall be found not guilty, or the Plaintiff or Plaintiffs be nonsuited, the Defendant or Defendants shall recover treble Costs against the Plaintiff or Plaintiffs for his or their unjust Vexation.

1724.
No. 59.

An Act for the establishing a Court of King's-bench and Common-pleas, and for the better Advancement of Justice in the Island of St. Christopher's; and for settling certain Fees; and repealing a former Act of the said Island, intituled, An Act for establishing of Courts, and settling due Methods for the Administration of Justice.

A Court of King's-bench and Common-pleas to be held by a Chief Justice and 4 Assistants.

FORASMUCH as nothing can tend more to the Encouragement of Trade, or more effectually promote the Reputation and Prosperity of the said Island, than the establishing of Courts, wherein Justice may be frequently and duly administred; and for that a former Act, made at the Town of the Old Road of the said Island the twenty fourth Day of November, in the tenth Year of the Reign of Her late Majesty Queen Anne, intituled, *An Act for establishing of Courts, and settling due Methods for the Administration of Justice*; has been found defective for that End in several Particulars: For remedying whereof, and for the easier, speedier, and better Advancement of Justice, and the reforming and reguluating the Practice of the Law as much as may be in the said Island; we, His Majesty's most dutiful and loyal Subjects, the Governor in chief of all His Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of the said Island of St. Christopher's, do most humbly pray His Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Governor in chief, and the said Council and Assembly, and by the Authority thereof, That in the said Island of St. Christopher's shall hereafter be held a Court of King's-bench and Common-pleas, which shall consist of a Chief Justice, and four other Justices Assistants, to be from Time to Time appointed by the Governor, or Commander in chief of the said Leeward Carribbee Islands in America; which Justices shall be, and they are hereby authorized to hear, try, and determine in the said Court, according to the Laws and Usage of the Realm of Great Britain, and the Laws and Usage of the said Island, as well all Actions, Suits, and Prosecutions at Law as are now depending in the present Court of King's-bench and Common-pleas of the said Island, as those which hereafter shall be commenced or brought in the Court to be established by this Act.

Justices to take the Oaths.

II. AND be it further enacted by the Authority aforesaid, That the said Justices shall, before they enter upon the Execution of their said Offices, respectively take the Oaths of Allegiance, Supremacy, and Abjuration, and make and subscribe the Declaration mentioned in an Act of Parliament made in the thirtieth Year of the Reign of the late King Charles the Second, together with the following Oath; viz.

I A. B.

I A. B. do swear upon the Holy Evangelists, That I will not delay nor deny Justice to any Person; but with my utmost Diligence will execute and perform the Office of Chief Justice, or Justice Assistant; and to the best of my Skill will give Judgement in all Matters by me to be determined, without Prejudice, Interest, or Affection.

1724-
Justice's Oath.

So help me God.

Which Oaths shall be administred to the Chief Justice in His Majesty's Council of this Island, and to all or any of the Justices Assistants, either in Council, or by the Chief Justice in the said Court.

III. AND it is hereby declared and enacted, That they the said Justices, after having so qualified themselves, as aforesaid, shall have as full and ample Power, Authority, and Jurisdiction in all Things within the said Island, as the Judges of His said Majesty's Courts of King's-bench and Common-pleas at Westminster have, or can respectively have or exercise within the said Realm of Great Britain; subject nevertheless to such Jurisdiction, Power, and Authority, as His said Majesty's said Court of King's-bench at Westminster hath usually had and exercised over all other Courts of Law or Justice within His said Majesty's Kingdoms and Dominions, and the Proceedings and Judgements thereof.

Justices to have the same Authority as those in Great Britain.

IV. AND be it hereby further enacted by the Authority aforesaid, That the said Court shall for the future be held at the said Town of the Old Road in the said Island, on the second Tuesdays of the Months of March, April, May, June, July, and August in every Year; and shall and may be continued or adjourned by the said Justices, or of any two of them at their Discretions, so as such Adjournment be not made for any longer Time than fourteen Days from the Time of such Adjournment.

Places and Times of holding the said Courts.

V. AND be it hereby further enacted by the Authority aforesaid, That any two Justices of the said Court may hear and try all general Issues; but that no Judgement shall be given on any Special Plea, Demurrer, or Special Verdict, or on any General Verdict, where any Motion shall be made in Arrest of Judgement, or other Matter of Law shall arise, but in the Presence of three of the said Justices at the least; and any Judgement otherwise given, shall be, *ipso facto*, void.

General Issues may be tried by two Justices, &c.

VI. AND be it hereby further enacted, That all Actions to be brought or commenced in the said Court, shall be entred, and Declarations thereupon filed in the Secretary's Office twelve Days at the least before the Sitting of each Court; and that Copies of all Declarations, and also all Writs of Summons, shall be served on the Parties Defendants six Days exclusive of the Court-day; which said Writs of Summons shall be after the Manner following; viz.

Actions to be entred 12 Days before the Court, &c.

St. Christopher's.

GEORGE, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, &c. To the Provost-marshal of Our said Island, or his lawful Deputy, greeting.

Form of a Writ of Summons.

WE command you to summon A. B. to be and appear at Our next Court of King's-bench and Common-pleas, to be held for this Island the Day of at the Town of Old Road, then and there to answer C. D. in an Action of Hereof let him not fail, at his Peril. Witness E. F. Our Chief Justice of Our said Court, the Day of in the Year of Our Reign.

Z

And

1724.
Summons how
to be deemed
effectual, in
case the De-
fendant con-
ceal himself,
or be absent
from the
Island.

And in case any Defendant or Defendants, in any Action or Actions which shall be brought or commenced against him or them, shall secrete and conceal him or themselves, so as the Provost-marshal, or his Deputy, or other Person summoning cannot find such Defendant or Defendants; or if such Defendant or Defendants shall, at the Time of the bringing or commencing of any Action or Suit against him or them, happen to be absent from the said Island; then, in either of the said Cases, one Summons, and a Copy of the Declaration being left at the last usual Place of Abode, or upon the Freehold of such Defendant or Defendants, and another Summons nailed up at the Court-house-door, shall be deemed and taken as good and effectual, as a personal Service and Delivery of such Summons and Declaration upon or to such Defendant or Defendants.

Effects of Per-
sons absent,
liable to be
attached.

VII. AND be it further enacted by the Authority aforesaid, That all and singular the Goods and Effects of Persons absent from the said Island, against whom Actions shall be brought or commenced in the said Court, in whose Hands soever such Goods or Effects shall be found in the aforesaid Island; shall, upon the Request of the Plaintiff or Plaintiffs in such Action, be by Writ attached by, and taken into the Hands of the Provost-marshal, or his lawful Deputy, as a Pledge or Surety to answer the just Demands of such Plaintiff or Plaintiffs, until the Trial of such Action or Actions, and that Judgement or Judgements shall be given therein.

Proviso.

VIII. PROVIDED nevertheless, That if any Person or Persons acting as an Agent or Agents for such absent Person or Persons, shall give unto the Provost-marshal, or his Deputy, sufficient Surety to deliver the said Goods or Effects back again to the said Marshal, or his Deputy, to answer the Judgement or Judgements to be obtained by such Plaintiff or Plaintiffs; then the said Marshal, or his Deputy, shall deliver such Goods and Effects so attached unto the Person or Persons so giving him such Security, to be by him or them kept for and during the Time aforesaid.

Proviso.

IX. PROVIDED likewise, and it is hereby further enacted, That before any such Writ shall be granted to attach any Goods or Chattels whatsoever, the Plaintiff or Plaintiffs in such Action or Suit shall give unto the Judge who shall award such Writ, sufficient Security (and which shall be taken in the Name of such Defendant) to make good unto such Defendant all and singular the Damages and Costs which he shall sustain, or be put unto by Reason or Means of such Attachment, or of the Action to be brought or commenced against such Defendant, whereon the same shall be grounded, in case Judgement shall be given against the Plaintiff or Plaintiffs, or that the Plaintiff or Plaintiffs be nonsuited, or that such Action be discontinued; or in case the Defendant, whose Goods or Chattels shall be so attached, his Executors or Administrators do, within twelve Months next after Judgement shall be given against him, by Writ of Error, or otherwise, reverse or set aside such Judgement, or prove to the Satisfaction of the Court, that he owes the Plaintiff or Plaintiffs nothing at the Time of granting such Attachment.

Actions to be
tried the se-
cond Court
after com-
mencing.

X. AND be it further enacted by the Authority aforesaid, That all Trials of Actions or Suits in the said Court, shall be at the second Court next after the bringing or commencing of such Actions or Suits; and that Judgement shall then immediately be given upon every Verdict found in the said Court, unless the Party, against whom such Judgement is to be given, shall at the same Court shew sufficient Cause to arrest or stay the same: And if any Defendant or Defendants shall make Default at the second Court in any Action for Debt, or Contract made, or Duty arising, or for Goods, or other Things sold, or for Promise made; the Court shall take the Evidence, and Judgement shall be given against him thereupon, as by Default; but if the Defendant be absent from the said Island, then no Execution to issue till the Court following; in which Time the Defendant may come, and alledge Payment

Payment of the Debt, Duty, or Demand, or that he was surprized; and if the Judges find the Allegations true, they may reverse the said Judgement, and admit the Defendant to plead; and, at his own Costs and Charges, try the Issue by a Jury; but if such Allegations appear not true, then Execution is to issue immediately: And that in all Judgements by Default, upon the Plaintiff's proving his Cause of Action to the Court by lawful Evidence, the Court shall adjust the Debt and Damages; which shall be as effectual, as if a Writ of Enquiry had been executed thereon: Provided, That if such Defendant be a Minor, *Non compos mentis*, or absent from this Government; such Persons, after their said respective Disabilities removed, may, by themselves or their Attornies, have their several Remedies for what they wrongfully lost by the said Judgement; any Law or Custom to the contrary notwithstanding.

1724.

XI. AND be it hereby likewise enacted, That Special Pleas and Demurrers to Actions, Writs, or Declarations, shall be filed, and Copies delivered to the other Side fourteen Days before the second Court-day, otherwise the Defendant shall be obliged to plead the general Issue; and the Plaintiff shall file and deliver, as above, his Demurrer or Replication, or other Matter by him to be pleaded, eight Days before the Court-day; otherwise the Defendant shall have Day till the third Court: And that upon a Joinder in Demurrer, the Justices shall appoint a Day, not exceeding fourteen Days, to hear it argued; and upon reasonable Cause, may adjourn any Plea to the next Court, but no longer.

Special Pleas and Demurrers, when to be filed.

XII. AND be it further enacted by the Authority aforesaid, That all Declarations and Pleadings, and also all Verdicts found, and all Judgements given in Court (the same Verdicts and Judgements being first recorded in the Court Book) shall, in exact and due Order, be fairly entred, in Words at length, in a good bound Book, to be by the Secretary for that Purpose provided, and to be kept in his Office in the Nature of Records; for which the said Secretary shall be paid by the Party obtaining Judgement, who is to be allowed the same in his Costs: And if the Secretary shall neglect the providing such a Book, or shall not make such due and regular Entries of all the Pleadings in each Action brought and commenced in the said Court, in Manner aforesaid, he shall forfeit the Sum of Ten Pounds current Money for every Default.

All Declarations, &c. to be recorded in the Secretary's Office.

XIII. AND be it further enacted, That immediately after all Judgements (except those against absent Persons, by Default, as aforesaid) the Chief Justice, or, in his Absence or Sickness, the next senior Justice, and after him, the next Justice, and so to all in Commission successively, shall, at the Request of the Party obtaining Judgement, sign and seal a Writ of Execution of such Judgement; which said Execution is to be after the Manner following; viz.

Chief Justice to sign a Writ of Execution.

St. Christopher's, II.

Form of such Writ;

GEORGE, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, &c. To the Provost-marshal of Our Island aforesaid, or his lawful Deputy, greeting.

WHEREAS, at Our Court of King's-bench and Common-pleas, held at the Town of Old Road of the aforesaid Island, Judgement was obtained against *at the Suit of* *for* the Goods and Chattels, Lands and Tenements of the said *These are therefore to command you to levy of* sufficient to satisfy the said Debt; and the Sum of *for*

1724.

for Costs of Suit; that is to say, First on Tobacco, Cotton, Ginger, Indigo, Sugar, or any other Goods or Merchandize of the Growth and Manufacture of this Island, or other Merchandizes; and for want of such Goods and Chattels, to levy the said Debt and Costs upon the Household Goods and Furniture of the said ^{'s} House; and for want of such, to levy the said Debt and Costs upon the Cattle, Horses, Asses, Mules, and other Plantation Utensils of the said ^{'s} Slaves; and for want of such Slaves, you are to levy the same upon the said Lands and Tenements: All which Levies, and the Sales thereof, you shall make by publick Sale or Outcry, according to the Tenor of an Act of the said Island in that Behalf made and provided; and finding no such Goods and Chattels, Lands, or Tenements, then you are hereby commanded to take the Body of the said ^{'s} and him in safe Custody to keep, until the said Debt and Costs shall be satisfied: And have you this Writ duly executed before Our Justices, at Our Court of King's-bench and Common-pleas, to be held for this Island at the Town of Old Road aforesaid, on the ^{'s} Day of now next coming.

Witness

this

Year of Our Reign.

Day of

Chief Justice of Our said Court, in the

Penalty on
Provost-mar-
shal's Default.

XIV. AND be it further enacted by the Authority aforesaid, That the said Provost-marshal, or his Deputy, and all other Persons levying Executions, shall levy the same according to the Directions of such Execution, under the Penalty of Fifty Pounds for each Neglect or Default therein: But yet, if after the levying of Execution, the Defendant shall give unto the Provost-marshal, or his Deputy, sufficient Security in double the Value of the Goods or Things taken, to see the same forth coming at the Day of Sale thereof; then the Provost-marshal, or his Deputy, shall deliver unto such Defendant the Goods and Things so taken in Execution, to be by him kept during that Time; within which Time such Defendant may pay and discharge the Debt, with Costs: But if he doth not, then the Provost-marshal, or his Deputy, upon the Plaintiff's delivering unto him a Writ of *Venditioni exponas*, shall cause the Goods and Things so taken in Execution, to be publickly sold at the Town next adjoining to the Place where Execution is levied; which said Sales shall always be by Day-light, and in the Presence of six credible Witnesses at the least: After which Sale, the said Provost-marshal, or his Deputy, shall immediately pay unto the Plaintiff his Debt and Costs; and after deducting all Charges attending such Sale, shall return the Overplus, if any shall be, to the Defendant; but if the Things so levied on shall not amount to the Value of such Debt and Costs, then the Marshal, or his Deputy, shall further levy of the Goods, Chattels, Lands, and Tenements of such Defendant, sufficient to pay the said Debt, with Costs.

Proviso.

XV. PROVIDED always, and it is hereby further declared and enacted by the Authority aforesaid, That the Provost-marshal, or his Deputy, and all and every other Person and Persons making Sales of any Lands, Tenements, Goods, or Chattels taken in Execution by virtue of this Act, shall be, and they, and every of them are and is hereby obliged to accept, receive, and take from any Purchaser or Purchasers thereof, or of any Part thereof, in Payment and Satisfaction for the same, Sugars, Cotton, Indigo, and Molosses, paid and delivered him or them down upon such Sale by such Purchaser or Purchasers, at or in any Town of the said Island, at the current Prices the same Commodities shall at that Time respectively bear in the said Island; and that the Plaintiff or Plaintiffs in such Execution, shall also accept, take, and receive of and from the said Provost-marshal, or his Deputy, or such other Person or Persons

Persons selling such Lands, Tenements, Goods, or Chattels, such of the said Commodities as he or they shall so receive upon such Sale at the respective Towns, and at the several Prices the said Commodities shall be paid to the Provost-marshal, or his Deputy, or such other Person or Persons; so always, as the said Commodities so to be paid unto such Plaintiff or Plaintiffs, do not amount to more than his or their Debt, and Costs of Suit.

1724.

XVI. AND be it further enacted by the Authority aforesaid, That if any Goods taken in Execution shall perish before the Sale thereof (unless it be by the Default of the Provost-marshal, or his Deputy, and in which case the Marshal and his Deputy is to make the same good) the Loss thereof shall be born by the Defendant, or Owner of the said Goods; and in such Case the Provost-marshal, or his Deputy, shall and may further take of the Goods and Chattels, Lands and Tenements of the said Defendant, sufficient to answer the Debt, and Costs.

Goods damaged before Sale, Owner to make good the Loss.

XVII. AND be it further enacted by the Authority aforesaid, That if any Defendant, giving Security for the forth coming of any Goods or Things taken in Execution, at the Day of Sale thereof shall conceal the same, or shall not deliver them to the Provost-marshal, or his Deputy, on that very Day exactly (the Debt and Costs not being in the mean time satisfied) then the said Provost-marshal, or his Deputy, shall and may, by Writ from the Chief Justice, or, in case of his Absence or Disability, from the next Justice in Commission successively, immediately take and dispose, by Sale of the Goods, Chattels, Lands, and Tenements of such Defendant's Sureties, sufficient to answer the Debt, with all Costs attending it; and if the Sureties shall have no Estates, whereof to levy the said Debt and Costs, then it shall and may be lawful to and for the said Provost-marshal, or his Deputy, to commit the said Securities to the common Gaol of the said Island, where they are to remain till they shall have satisfied the said Debt and Costs.

Defendant concealing Goods taken in Execution, Security's Effects liable.

XVIII. AND be it further enacted by the Authority aforesaid, That a Bill of Sale, under the Hand and Seal of the Provost-marshal, or his Deputy, of any Goods and Chattels taken in Execution, and which shall be sold and delivered over, shall give to the Plaintiff, or other Buyer or Purchaser thereof, a good, sure, and indefeasible Right and Title thereunto: And likewise, that such Bill of Sale, of or for any Lands, Tenements, or Hereditaments so taken, and sold or appraised, shall give unto the Plaintiff, or other Buyer thereof, as good and sufficient an Estate and Title therein and thereunto, as the Defendant from whom they are taken, hath, or can or may have of, in, or to the same Lands, Tenements, or Hereditaments: And if the Provost-marshal, or his Deputy, shall refuse to execute to any Plaintiff or Purchaser a sufficient Bill of Sale, of and for the Land or Things which shall be so delivered over or bought, he shall forfeit the Sum of Fifty Pounds current Money for every Default.

Bill of Sale a sufficient Title to the Purchaser, &c.

XIX. AND be it further enacted by the Authority aforesaid, That when any Goods, Chattels, Lands, or Tenements shall be taken in Execution upon any Judgement obtained in the said Court; the Provost-marshal, or his Deputy, shall immediately put up a Publication in the next adjacent Town, for the Sale thereof, at the Times, and in Manner hereafter mentioned; that is to say, For Lands, Tenements, and Hereditaments, at the End of eighty Days; for Negroes, and all other Slaves, at the End of eight and twenty Days; for Cattle, Chattels, Plantation Implements, and all other Goods whatsoever, at the End of ten Days after the same Lands, Tenements, Slaves, Goods, Chattels, and Things shall respectively be taken in Execution; and that all and every the Expences attending such Sales, shall be born by the Defendants, or other Persons whose Goods or Chattels, Lands or Tenements, shall be so taken in Execution.

Publication to be made for Sale of Effects taken in Execution.

1724.
Proviso.

XX. PROVIDED always, and it is hereby enacted, That no Execution for any Debt or Damages shall be awarded or executed between the last Day of the Month of *August*, and the first Day of the Month of *March* in each respective Year: Provided nevertheless, That Writs of *Habere facias Possessionem* of Lands and Tenements, and also Writs of Possession of Negroes, Cattle, or Chattels recovered in Actions of Detinue and Replevin, shall and may be awarded and executed at all Times in the Year.

Jurors to be
summoned for
each Court.

XXI. AND be it further enacted by the Authority aforesaid, That eight Days before each Court, a *Venire facias*, signed by the Chief Justice, and in case of his Absence or Disability, by the next Judge in the Commission successively, shall be issued, to summon a Jury of good and sufficient Men of the said Island, to appear and serve as Jurors at the then next Court; viz: Such as do or shall reside to the *Eastward* of the *Gutt*, commonly called or known by the Name of *Nicola Town Gutt*, on the Windward Side of the said Island; and to the *Eastward*, with the *Westermoff* River of the Town of the *Old Road*, on the Leeward Side, shall be obliged to appear one Court; and such as do or shall reside to the *Westward* of the said *Nicola Town Gutt*, and *Westermoff* River of the Town of the *Old Road*, at the other Court, beginning with the *Eastward* District in and so keeping their Turns alternately throughout the Year, under the Penalty of this Act.

Who to be
Jurors, &c.

XXII. AND whereas great Delays have frequently happened in Trials, for want of a sufficient Number of Freeholders; be it enacted by the Authority aforesaid, That all Persons residing in the said Island, seized of any Estate in Fee, or of any Freehold of the yearly Value of ten Pounds current Money, or possessed of any Personal Estate of the Value of one hundred Pounds current Money aforesaid, shall and may be of Jurors, to try an Issue real or personal; and also, that every Person summoned as a Juror, and not appearing, shall forfeit and pay Five Pounds current Money; and likewise, that if any Juror depart after he is sworn before Verdict delivered, he shall forfeit and pay Ten Pounds current Money, and suffer five Months Imprisonment, and another shall be sworn in his room; and that every Juror before Verdict delivered, shall receive of the Marshal one Shilling and six Pence.

Standers by
to make up
the Deficiency
of Jurors,
&c.

XXIII. AND be it further enacted by the Authority aforesaid, That if a sufficient Number of the Persons summoned to be Jurors, do not appear to make a full Jury, then a Tale of the Standers by shall be returned by the Marshal, who shall serve, under Pain of Commitment to the Gaol; and also, that Special Verdicts shall be found by the Jurors, where the Council on both Sides shall agree, and desire to have the Facts found specially, upon Pain of Fine or Imprisonment, at the Discretion of the Court.

Penalty on
Witnesses not
appearing.

XXIV. AND be it further enacted by the Authority aforesaid, That where any Person shall be summoned by Writ of *Subpoena*, to give Evidence in any Matter depending in the said Court, and shall make Default therein (not being hindered by Sickness or old Age) such Person shall forfeit Fifty Pounds current Money; the one half to the Party for whom he was to give Evidence, and the other Moiety to go towards defraying the incident Charges of the Court: And an Affidavit made of the Service of the *Subpoena*, and that the Person summoned is a material Witness, the Court shall put off the Cause, if the Party desire it, to the next Court, the said Party paying the Costs of the Day.

Deposition of
Persons disabled,
or absent, to be
good Evidence,
&c.

XXV. AND be it enacted by the Authority aforesaid, That the Depositions of Persons who are disabled to attend the said Court by old Age, Sickness, or being bound off the Island, shall be deemed good Evidence in all Civil Actions, provided they be taken by any Justice of the said Court, and three Days Notice be given to the Person against whom such Depositions are to be taken, or, in his Absence, to his Attorney or Agent, if any such be upon the Island, of the Name of the Witness to be examined, and of the Time and Place

Place where such Witness is to be examined; and also, that all Certificates under the Hand and Seal of the Mayor of *London*, or any Justice of, either Bench, or the Mayor or Chief Magistrate of any City or Corporation within the Kingdoms of *Great Britain* and *Ireland*, and all and every other His Majesty's Lands, Islands, and Dominions; and all Probates of Wills under the Seals of the proper Spiritual Courts, and proved before the Ordinary in any of His Majesty's Colonies, shall be admitted, and given in Evidence in the said Court.

1724.

XXVI. AND be it further enacted by the Authority aforesaid, That all the Statutes of *Jeofails*, made within the Kingdom of *England* before the fourth and fifth Years of the Reign of Her said late Majesty Queen *Anne*; and also an Act of Parliament made in the seventeenth Year of the Reign of the said late King *Charles* the Second, intituled, *An Act for avoiding unnecessary Suits and Delays*; and likewise two other Acts, the one made in the twenty second and twenty third Years of the Reign of the said King *Charles* the Second, intituled, *An Act for the better settling of Intestates Estates*; and the other made in the first Year of the Reign of the late King *James* the Second, whereby the said two last-mentioned Acts are made perpetual; and one other Act made in the twenty ninth Year of the Reign of the said King *Charles* the Second, intituled, *An Act for preventing of Frauds and Perjuries*, except where the same Act, or any Part thereof is altered, or it is otherwise provided for in and by this Act, shall, by virtue of this Act, be adjudged to extend to, and be in force in the said Island for ever.

Acts made perpetual.

XXVII. AND be it further enacted by the Authority aforesaid, That where any Demurrer shall be joined and entered in an Action or Suit in the said Court, the Judges shall proceed and give Judgement according to the very Right of the Cause, and Matter in Law shall appear unto them, without regarding any Imperfection, Omission, or Defect in any Summons, Return, Complaint, Declaration, or other pleading Process, or Course of Proceeding whatsoever (except those only which the Party demurring shall specially and particularly set down and express, together with his Demurrer, as Causes of the same) notwithstanding that such Imperfection, Omission, or Defect ought hither to have been taken to be Matter of Substance, and not ended, by the Statute made in the twenty seventh Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Furtherance of Justice in case of Demurrer and Pleadings*, so as sufficient Matter appear in the said Pleadings, upon which the Court may give Judgement according to the very Right of the Cause.

Judgement in any Action to be given as the Justice of the Cause shall require.

XXVIII. AND be it further enacted by the Authority aforesaid, That the said Statute of *Jeofails* shall be extended to Judgements which hereafter shall be entered upon Confession, *Nihil dicit*, and *Non solum informatus* in the said Court; and no such Judgement shall be reversed, nor any Judgement upon a Writ of Enquiry of Damages executed, be staid or reversed by Reason of any Imperfection, Omission, Defect, Matter, or Thing whatsoever, which should have been aided and cured by any of the said Statutes of *Jeofails*, in case a Verdict of twelve Men had been given in the said Action or Suit, so as there be an original Summons and Declaration.

Limitation of the Statute of Jeofails.

XXIX. PROVIDED always, and be it enacted by the Authority aforesaid, That nothing in this Act before contained, shall extend to any Writ, Summons, Declaration, Indictment, or Suit of Appeal of Felony or Murder, or to any Process upon any of them; or to any Writ, Summons, Bill, Action, or Information upon any Penal Statute.

Provido.

XXX. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Defendant or Tenant in any Action or Suit, or for any Plaintiff in Replevin, with the Leave of the Court, to plead as many several Matters thereto, as he shall think necessary for his Defence; provided all such Matters be entered in one Plea; and also, that where any Matter upon Demurrer

Clause relating to Pleas.

1724.

Bail for Persons arrested, may be assigned to the Plaintiff, &c.

Demurrer joined shall be adjudged insufficient, or where any Defendant or Tenant shall be acquitted by Verdict, or otherwise, Costs shall be given in both Cases, at the Discretion of the Court.

XXXI. AND be it further enacted by the Authority aforesaid, That where any Person or Persons shall be arrested by Writ or Process issuing out of this Court, at the Suit of any common Person, and the Provost-marshal, or other legal Officer shall take Bail from such Person, against whom such Writ, Bill, or Process shall be taken out; the Provost-marshal, or such other legal Officer, at the Request and Cost of the Plaintiff in such Action or Suit, or of his lawful Attorney, shall assign to the Plaintiff in such Action or Suit, such Bail-bond, or other Security, by endorsing the same, and attesting the same under his Hand and Seal, in the Presence of one or more credible Persons; and if the said Bail-bond, or other Security taken for Bail be forfeited, the Plaintiff in such Suit, after such Assignment made, may bring an Action and Suit thereupon in his own Name in the said Court; and the Court may, by a Rule, give such Relief to the Plaintiff and Defendant in the original Action, and to the said Bail upon the said Bond, or other Security taken from such Bail, as is agreeable to Justice and Reason; and that such Rule or Rules of the said Court, shall have the Nature and Effect of a Defeazance to such Bail-bond, or other Security for Bail.

In what Case Court may order Lands, &c. to be viewed.

XXXII. AND be it further enacted by the Authority aforesaid, That upon Actions for trying of Titles to Messuages, Lands, Tenements, or Hereditaments, if it shall appear to the Court that it will be proper and necessary that the Jurors who are to try the Issues in any such Actions should have the View of the Messuages, Lands, Tenements, or Hereditaments, or Place in question, in order to their better understanding the Evidence that will be given upon the Trials of such Issues; in every such Case, the Court may order special Writs of *Distingas*, or *Habeas corpora* to issue; by which the Provost-marshal, or his lawful Deputy, or such other Officer to whom the said Writ shall be directed, shall be commanded to have six out of the first twelve of the Jurors named in each Writ, or some greater Number of them at the Place in question, some convenient Time before the Trial; who then and there shall have the Matters in question shewn to them by two Persons in the said Writ named, to be appointed by the Court; and the said Provost-marshal, or his lawful Deputy, or other Officer who is to execute the said Writ, shall, by a special Return upon the same, certify that the View hath been had according to the Command of the said Writ.

Payment may be pleaded in Bar of an Action of Debt, &c.

XXXIII. AND be it further enacted by the Authority aforesaid, That where any Action of Debt shall be brought upon any single Bill, or where Action of Debt or *Scire facias* shall be brought upon any Judgement, if the Defendant hath paid the Money due upon the said Bill or Judgement; such Payment shall and may be pleaded in bar of such Action or Suit: And where an Action of Debt is brought upon a Bond, which hath a Condition or Defeazance to make void the same, upon Payment of a lesser Sum at a Day or Place certain; if the Obliger, his Heirs, Executors, or Administrators have, before the Action brought, paid the Oblige, his Executors, or Administrators, the Principal and Interest due by the Defeazance or Condition of such Bond, though such Payment was not made strictly according to the Condition or Defeazance, yet it shall and may nevertheless be pleaded in bar of such Action, and shall be as effectual a Bar thereof, as if the Money had been paid at the Day and Place according to the Condition or Defeazance, and had been so pleaded.

Interest upon Bonds.

XXXIV. AND be it further enacted by the Authority aforesaid, That all Interest upon Bonds to be sued for here, where the Sum to be paid for Interest is not certainly expressed in the Bond, shall be reckoned and computed after the Rate of Eight Pounds *per Centum per Annum*, and no more: And if

at

at any Time pending an Action upon any such Bond, with a Penalty, the Defendant shall bring into Court all the Principal Money and Interest due on such Bond, and all such Costs as have been expended in any Suit in Law or Equity upon such Bond; the said Money so to be brought in, shall be deemed and taken to be in full Satisfaction and Discharge of the said Bond; and the Court shall and may give Judgement to discharge every such Defendant of and from the same accordingly.

XXXV: AND be it further enacted by the Authority aforesaid, That the Captain-general, or Governor in chief, with four or more of the Council, and in the Absence of the Captain-general, or Governor in chief, the Lieutenant-governor, or President of the Council, with the like Number of the Council, shall and may hear, try, and determine all Errors to be brought of any Judgements to be given in this Court, or which were given in the Courts held by virtue of any former Act for any Sum, Matter, Cause, or Thing; and that in the Absence of the Captain-general, or Governor in chief, the Lieutenant-governor, or, in his Absence, the President of the Council, may sign all Writs of Error, and other Process thereupon; and that the not meeting of the Captain-general, or Governor in chief, Lieutenant-governor, or President, at the Day of the Return of the Writ of Error, or Writ of *Scire facias*, to hear Errors, shall not discontinue any Writ of Error; and that no Judgement shall be given in the said Court of Errors, unless by the said Captain-general, and Governor in chief, or the Lieutenant-governor, or President, and four of the Council at the least, whereof none of the Judges of the said Court of King's-bench and Common-pleas shall be one; and that before any Argument shall be heard by them, they shall take the following Oath; viz.

I A. B. do swear upon the Holy Evangelists, That in all Errors to be now brought before me, I will not deny or delay Justice to either Party; but shall, to the best of my Skill, give Judgement thereupon.

So help me God.

And that no Execution of any Judgement given in this Court, or which was given in any former Court in any Action Personal, shall be stayed by Writ of Error, or a *Superfedeas* thereupon; unless such Person or Persons, in whose Name or Names such Writ of Error shall be brought, by two sufficient Securities (such as the said Court, or out of Court, as the Chief Justice, or, in his Absence, as the next senior Justice, one after another, as they are named in the Commission, shall allow of) shall, before such Stay made, or *Superfedeas* awarded, be bound unto the Party for whom any such Judgement is or shall be given, by Recognizance, to be acknowledged in double the Sum adjudged to be recovered by the said former Judgement, to prosecute the said Writ of Error with Effect, and also to satisfy and pay (if the same Judgement be affirmed) all and singular the Debts, Damages, and Costs, adjudged or to be adjudged upon the former Judgement, and all Costs and Damages to be also awarded for the same delaying of Execution: And further, That in Writs of Error to be brought upon any Judgement in any Writ of Dower, or in any Action of *Ejectione firmæ*, no Execution shall be thereupon or thereby stayed; unless the Plaintiff or Plaintiffs in such Writ of Error shall be bound unto the Plaintiff in such Writ of Dower, or Action of *Ejectione firmæ*, in such reasonable Sum as the Court shall think fit, with Condition, that if the Judgement shall be affirmed in the said Writ of Error, or that the said Writ of Error be discontinued by the Default of the Plaintiff or Plaintiffs therein, or that the said Plaintiff or Plaintiffs be nonsuited in such Writ or Writs of Error; that then the Plaintiff or Plaintiffs shall pay such Costs and Damages, Sum and Sums of Money, as shall be awarded upon or after such Judgement affirmed, or Discontinuance, or Nonsuit had.

B b

XXXVI. AND

1724.

Judge next to
be given upon
Return of a
Writ of En-
quiry.

XXXVI. AND to the End that the Sum and Sums, and Damage may be ascertained; be it enacted by the Authority aforesaid, That the Court wherein such Execution ought to be granted upon such Affirmation, Discontinuance, or Nonsuit, shall issue a Writ to enquire as well of the mesne Profits, as of the Damage by any Waste, committed after the first Judgement in Dower, or in *Ejectione firmæ*; and upon the Return thereof, Judgement shall be given, and Execution awarded for such mesne Profits and Damages, and also Costs of Suit.

Proviso.

XXXVII. PROVIDED, That this Act, or any thing therein contained, shall not extend to any Writ of Error to be brought by any Executor or Administrator, or to any Action popular, or to any Action which is or shall hereafter be brought upon any Penal Law or Statute, nor to any Indictment, Presentment, Inquisition, or Information in this Court.

Clause for
preventing
vexatious
suits on de-
fective Writs
of Error.

XXXVIII. AND for preventing great Vexation from suing forth defective Writs of Error, be it further enacted by the Authority aforesaid, That upon the quashing of any Writ of Error, hereafter to be sued out for Variance from the original Record, or other Defect, or if the Plaintiff shall be nonsuit, or discontinue his Writ; the Defendant in such Writ of Error shall recover against the Plaintiff issuing out such Writ, his Costs, as he should have done if the Judgement had been affirmed, and to be recovered in the same Manner; but the Plaintiff in such Writ is not barred from having a new Writ of Error: And in case either Party shall not rest satisfied with the Judgement which shall be given upon a Writ of Error, he may appeal to His Majesty in His Privy Council, if the Matter in dispute shall come up to the Value limited in His Majesty's Instructions to the Chief Governor, the Party appealing giving Security, as aforesaid; but no Executor, or Administrator, or Guardian, shall be obliged to give Security on a Writ of Error, unless where required by the Laws of *England*, nor upon any Appeal, unless on an Appeal to His Majesty in Council.

Writs of Error
to be served
on Chief
Justice, &c.

XXXIX. AND be it further enacted by the Authority aforesaid, That all Writs of Error shall be served on the Chief Justice, and in case of his Death, Absence, or Disability, on the next senior Justice, and so to the next, as they are named in Commission, as aforesaid; who is required forthwith to cause a Transcript of the Record and Pleadings to be made out, and the same to certify under his Hand and Seal in eight Days after he is served with the Writ of Error; and when the Records and Proceedings are so certified, the Plaintiff is to assign Errors under his Council's or Attorney's Hands, and to file the same in eight Days after the Writ and Proceedings are returned and certified, and then give Notice thereof unto the other Party, his Council, or Attorney; and the Defendant in Errors shall plead Demurr, or join in Errors within eight Days after Notice, or lose the Advantage of his Defence.

In what Cases
Justices may
give Judge-
ment without
a Jury.

XL. AND be it further enacted by the Authority aforesaid, That the said Justices, or any of them, shall have Power to hear and determine in Court, without a Jury, all manner of Actions and Suits under the Value of ten Pounds current Money, or one thousand Pounds of Sugar; and likewise all Cases relating to Servants Wages, and Debts due to Artificers and Labourers, for Work done, not exceeding two thousand Pounds of Sugar, or fifteen Pounds current Money; and in such Actions there shall be no Declaration, only a Summons, and a Copy of the Account or Demand delivered to the Defendant six Days before the Court-day; and in such Case the Oath of the Plaintiff shall (if the Judge thinks fit) be a sufficient Evidence to prove the Debt or Demand.

Pensly on
Misbehavior
in Court.

XLI. AND be it further enacted by the Authority aforesaid, That all Contempts and Misdemeanors, insolent or rude Demeanor, unhandsome or provoking Language in the Hearing, or in the Presence of the Court; and all Neglects, and other Offences of Coroners, Secretaries, Marshals, Clerks,

or

or other Officers of the Court in their several Offices, shall be punished by Fine, at the Discretion of the Court.

XLII. AND be it hereby further enacted, That no Replevin shall hereafter issue to take or try the Title of Negroes or Slaves, but that the same shall be by Trover or Detinue: And also, that Executions to be awarded on Judgements already given in the Court of King's-bench and Common-pleas, which was held by virtue of any former Act of the said Island, shall and may issue according to the Form herein prescribed; and all Sales to be made of any Goods, Chattels, Lands, Tenements, or Hereditaments, taken or to be taken in Execution upon such Judgements, shall be in Manner as before in this Act is directed; by which Method the Provost-marshal, and all other Persons are to be governed.

1724.
No Replevin
but by Trover
or Detinue to
try the Title
of Negroes,
&c.

XLIII. AND be it further enacted by the Authority aforesaid, That all Writs of *Scire facias* to revive Judgements to be given in the said Court, or which were given in any former Courts, shall be served six Days before the Court-day on which the same shall be returnable, and the Service thereof to be in such Manner as Writs of Summons are to be served; and if the Defendant plead not thereto at the same Court, the Judgement shall stand, and be revived.

Scire facias to
be served in
six Days be-
fore Court-
day.

XLIV. AND be it further enacted by the Authority aforesaid, That no Person shall for the future be admitted to the Bar of the said Court, or to plead as Council there, before he hath produced a Certificate of his Admission to the Bar at *Westminster*, or a Certificate from the Attorney or Solicitor-general of the Leeward Islands, and one of the Practitioners already admitted, or hereafter to be admitted to plead as Council here, or of two such Practitioners of the said Court, as shall be for that Purpose appointed by any two of the said Justices, upon Oath of his Skill and Ability in the Law, and that he is fit to be admitted to the Bar of the said Court; and if any Person shall presume to plead as Council in the said Court, without such Qualification and Admission, he shall forfeit One hundred Pounds current Money; a Certificate whereof must be first filed in the Secretary's Office, before any Person shall be reckoned duly qualified and admitted; provided, that the said Justices may admit any Persons, who they shall think fitly qualified to practise as Attornies or Solicitors in the said Court, so as such Solicitor or Attorney be not an Officer of the said Court, and so also, as every such Attorney or Solicitor shall, before his Admission to practise, take the following Oath in the said Court; viz.

Clause relat-
ing to the
Admission of
Attornies and
Solicitors.

I A. B. do swear upon the Holy Evangelists of God, to do no Falshood, or con- Their Oath.
sent to any to be done in this Court; and if I know of any to be done, to give
Notice thereof to the Chief Justice, and his Assistants, that it may be reformed;
to delay no Man for Lucre or Malice; to plead no Foreign Plea, nor sue Foreign
Suits unlawfully, to hurt any Man, but such as stand with the Order of Law and
my own Conscience; nor wittingly or willingly to sue, or cause or procure to be sued
any false Cause or Suit, or give Aid or Consent to the same, upon pain of being
expelled this Court for ever; and further to demean myself in the Office of Attor-
ney or Solicitor within this Court, according to my Learning and Discretion.

So help me God.

And if any Person shall presume to practise as an Attorney or Solicitor in the said Court before he hath been admitted as aforesaid, and shall have taken the foregoing Oath, he shall forfeit Fifty Pounds current Money of the said Island.

XLV. AND be it further enacted by the Authority aforesaid, That no Person practising in the said Court, shall be Secretary, Deputy-secretary, Marshal, or Marshal's Deputy, under the Penalty of being disabled to practise: And that the Number of Attornies and Solicitors of the said Court shall not ex-
ceed

No Officer of
the Court to
be a Solicitor.

1724.

ceed more than four in Number at a time ; and when any of them die, or go off the Island, or be struck out of the Roll of Attornies for any Crime or Misdemeanor, then another shall be admitted, and sworn in his room.

XLVI. AND be it further enacted by the Authority aforesaid, That the present Provost-marshal, and his Deputy, acting here ; and also all such Persons as either of them do or shall employ, as Bailiffs or Assistants, shall at the very next Court take the following Oath ; viz.

Marshal's
Oath.

I A. B. do swear upon the Holy Evangelists, That I will execute all Process, Writs, and Precepts that shall be given to me, and which shall, by any lawful Authority, be directed to the Provost-marshal of this Island, or to his lawful Deputy, and make due Returns thereof (where necessary) according to the best of my Power and Skill, without any unnecessary Delay, and without Favour or Affection, Hatred or Ill-will.

So help me God.

And all Provost-marshals, and their Deputies, acting in this Island, and their Bailiffs and Assistants, shall for ever hereafter, before they enter upon their said Offices, respectively take the same Oath before the Captain-general, Lieutenant-governor, or President of the said Island for the Time being ; and if any of them neglect or refuse so to do, he shall be incapable of serving in the said Office ; and the Provost-marshal, and his Deputy here, shall employ none but Persons of Ability and Honesty, for whom they shall be answerable.

Attornies &c.
to take the
Oaths of Al-
legiance and
Supremacy,
&c.

XLVII. AND be it further enacted by the Authority aforesaid, That every Person who shall practise as Council at Law, Barrister, Attorney, or Solicitor in the said Court ; and all Secretaries, their Deputies, and Clerks ; all Provost-marshals, their Deputies, and Bailiffs ; and all other Officers exercising any Employment in or about the said Court, shall, within one Month after they shall be admitted, or take upon them to practise, or to act in any such Employment or Business, take and subscribe the Oaths of Allegiance, Supremacy, and Abjuration, and make and subscribe the Declaration in this Act beforementioned before the Council of the said Island, or in the said Court, or at the General Quarter-sessions of Peace in the said Island, otherwise they shall be, *ipso facto*, adjudged incapable, and disabled in Law to plead or practise in the said Court, or to have, occupy, or enjoy the said Offices and Employments.

Persons not
liable to an
Arrest.

XLVIII. AND be it hereby further enacted by the Authority aforesaid, That no Person who is Owner either of fifteen Acres of Land, or of ten Slaves, or of a House in any Town within this Island, worth ten Pounds current Money by the Year, shall be liable to a *Capias ad respondendum* ; but in Actions to be brought against him, he shall be obliged to answer by Summons only.

Proviso.

XLIX. PROVIDED nevertheless, and it is hereby enacted, That where any Person pending an Action or Suit against him, shall send his Slaves, or other Effects off the Island, and thereby give cause of Suspicion, that he doth the same with Design to defraud his Creditors ; then such Person shall be immediately liable to an Arrest of his Body.

Clause relat-
ing to Bills
protested.

L. AND be it hereby further enacted by the Authority aforesaid, That where Bills of Exchange have been or shall be protested, according to the Custom of Merchants in that Behalf ; every Person thereby prejudiced, or to whom such Bill is or shall be made payable by the first Drawer or Drawers, or any Indorser or Indorsers, shall and may commence and bring an Action upon the Case against the Drawer or Drawers, Indorser or Indorsers of the said Bills ; and shall recover the Principal due thereupon, and ten Pounds *per Centum* for his Damages, and after the Rate of ten Pounds *per Centum per Annum* for Interest, to be reckoned from the Day of the Protest made, until the Principal Money due upon such Bill shall be paid and satisfied : And that all Bonds,

Bonds, Mortgages, and Securities whatsoever, made after the Publication of this Act, whereby there shall be reserved above the Rate of eight Pounds for the Use and Forbearance of one hundred Pounds for one Year, shall be utterly void; but all Securities heretofore taken, shall be good for the Interest therein respectively expressed.

LI. AND be it hereby further enacted by the Authority aforesaid, That nothing in this Act shall be construed, or taken to affect the proper Goods or Chattels, Negroes, Lands, or Tenements, or the Persons of any Executors or Administrators, otherwise, or in any other Manner, than as the Goods, Lands, and Persons of Executors and Administrators are made chargeable and liable in the Kingdom of Great Britain, by the Laws and Usage thereof.

LII. AND be it hereby further enacted by the Authority aforesaid, That no publick Alarm or Invasion shall cause any Discontinuance or Abatement of any Suit or Process, depending or to be depending in the said Court.

LIII. AND be it hereby further enacted by the Authority aforesaid, That all Actions of Trespass *Quare clausum fregit*, Trespass, Detinue, Trover, and Replevin, for taking away of Goods and Chattels; and all Actions of Assault, Menace, Battery, Wounding, Imprisonment, or Slander, which shall be sued or brought at any Time after the Date hereof, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after; that is to say, The said Actions of Trespass, Detinue, and Replevin of Goods and Chattels; and the said Actions of Trespass *Quare clausum fregit*, within three Years next after the Date hereof, or within three Years next after the Cause of such Action or Suit, and not after; and the said Actions upon the Case for Slander, within one Year after the Date hereof, or within one Year after the Words are spoken, and not after.

LIV. PROVIDED nevertheless, and be it further enacted by the Authority aforesaid, That if in any of the said Actions or Suits Judgement be given for the Plaintiff, and the same be reversed by Error, or Verdict pass for the Plaintiff; and upon Matter alledged in Arrest of Judgement, the Judgement be given against the Plaintiff, that he take nothing by his Plaint, Writ, or Bill; then, and in such Cases, the Party Plaintiff, his Heirs, Executors, or Administrators, as the Cause shall require, may commence a new Action or Suit from time to time, within a Year after such Judgement reversed, or such Judgement given against the Plaintiff, and not after.

LV. AND be it hereby further enacted by the Authority aforesaid, That in all Actions of Trespass *Quare clausum fregit*, hereafter to be brought, where in the Defendant or Defendants shall disclaim in his or their Plea, to make any Title or Claim to the Land in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence or involuntary, and a Tender and Offer of sufficient Amends for such Trespass before the Action brought; whereupon, or upon some of them, the Plaintiffs shall be forced to join Issue; and if the said Issue be found for the Defendant, or the Plaintiff be nonsuited, the Plaintiff shall be clearly barred from the said Action, and all other Suits concerning the same.

LVI. AND be it hereby further enacted by the Authority aforesaid, That in all Actions on the Case for slanderous Words to be sued or prosecuted, if the Jury upon the Trial of the Issue, or the Jury that shall enquire of the Damages, do find or assess the Damage under forty Shillings, then the Plaintiff shall recover only so much Costs, as the Damages so given or assessed amount unto, without any further Increase for the same; any Law, Statute, Custom, or Usage to the contrary in any wise notwithstanding.

LVII. PROVIDED nevertheless, and be it hereby further enacted by the Authority aforesaid, That if any Person or Persons that is or shall be intitled

1724.

Clause relating to Persons under Age, &c.

to any Action of Trespass, Detinue, Trover, Replevin, Assault, Menace, Wounding, or Imprisonment, or Action for Words, be, or shall be at the Time of any such Action given or accrued, fallen or come within the Age of one and twenty Years, Feme-covert, *Non compos mentis*, imprisoned, or absent from this Government; that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to, or being of full Age, Discover, of sound Memory, at large, or returned to this Government, as other Persons having no such Impediment, might have done.

LVIII. AND whereas by an Act of Parliament made in the twenty first Year of the Reign of the late King James the First, intituled, *An Act for Limitation of Actions, and for avoiding of Suits in Law*, it is (amongst other things) enacted, That all Actions of Account, and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factor or Servant; all Actions of Debt grounded upon any Lending or Contract without Specialty, and all Actions of Debt for Arrearages of Rent, shall be commenced and sued within six Years next after the Cause of such Action or Suit, and not after: And whereas the said Island has been chiefly settled by Credit given by Merchants and others, to the Inhabitants and Settlers thereof: To the end therefore that such Creditors may by no Means lose the Debts due to them, be it hereby further enacted by the Authority aforesaid, That the aforesaid Clause of the said Act shall not be pleaded in Bar of any Action or Suit to be brought in the Courts of the aforesaid Island for any Debt or Contract whatsoever, for the Space of seven Years next after the Date of this Act; and that all and every Person or Persons, who have or shall have any Debt or Debts due and owing unto them from any Person or Persons in the said Island, shall and may, within the said seven Years, be at Liberty to bring the same Actions and Suits; any thing in the said mentioned Act, or in any other Act contained to the contrary in any wise notwithstanding.

The Act, 7 Jac. I. not to be pleaded in Bar of any Action brought within seven Years after the Date of this Act.

Grants of Lands, &c. to be good, without any Attornment of the Tenants.

LIX. AND be it further enacted and declared by the Authority aforesaid, That all Grants or Conveyances made of any Plantations, Lands, Tenements, or Rents, or of the Reversion or Remainder of any Messuages or Lands, shall be good and effectual, to all Intents and Purposes, without any Attornment of the Tenants of any such Plantations, Lands, or Messuages, or of the Land out of which such Rent issues, or of the particular Tenants upon whose particular Estates any such Reversions and Remainders have been or may be expectant or depending, as if their Attornment had been had and made: Provided nevertheless, That no such Tenant shall be prejudiced or damaged by Payment of any Rent to any such Grantor, or by Breach of any Condition for Non-payment of Rent, before Notice shall be given to him of such Grant by the Grantee.

Judges to make Rules of Practice.

LX. AND be it hereby further enacted by the Authority aforesaid, That the Judges of the said Court shall and may make and establish Rules and Orders of Practice in the said Court, over and besides what is contained in this Act; and until they shall so do, the Practitioners and Officers of the said Court shall, as near as they can, govern themselves by the Rules of the Courts of King's-bench and Common-pleas at *Westminster*; which Rules, except where they are altered, or it is otherwise provided for in and by this Act, shall be in force until new and other Rules are made and established by the Judges aforesaid, and published in the Secretary's Office here.

Fines imposed upon Jurors, Attornies, &c. how to be levied,

LXI. AND be it further enacted by the Authority aforesaid, That all Fines imposed upon Jurors, or Persons summoned as Jurors, by this Act, shall be immediately levied by Distress and Sale of the Offender's Goods and Chattels; and for want thereof, by Imprisonment of his or their Body or Bodies, until such Fine or Fines shall be paid, by Warrant under the Hand of any of the said Judges, to be directed to the Provost-marshal, or his lawful Deputy; and the Forfeitures

Forfeitures imposed on Persons presuming to practise as Counsellors or Barristers at Law, Attornies, or Solicitors in the said Court, without such Qualifications and Admissions as are before directed in and by this Act; and also, upon the Secretary or his Deputy, the Provost-marshal or his Deputy, and their Bailiffs and Assistants, shall be recovered by Action, Bill, or Information in this Court, where no Essoign, Protection, or Wager of Law, nor any more than one Imparlance shall be allowed; and after Judgement had thereupon, Execution shall issue, as in other Cases is appointed; the Moiety of which said Fines upon Jurors shall be to His Majesty, His Heirs and Successors, to be paid to the Treasurer of the said Island, and to be employed for and towards the defraying the publick incident Charges thereof; and the other Moiety shall go towards defraying the Charges of the Judges at their Sittings; and the Moiety of all the Forfeitures and Penalties to be incurred by Lawyers, and also by the Secretaries and the Deputies, and the Marshals and their Deputies, Bailiffs, and Assistants (except where the same, or any Part thereof is or are herein otherwise applied) shall be to His said Majesty, His Heirs and Successors, to be paid and applied, as aforesaid; and the other Moiety to such Person or Persons as shall inform and sue for the same.

1724.

and applied.

LXII. AND be it hereby further enacted by the Authority aforesaid, That the several Fees and Sums of Money mentioned and expressed in a Docket of Fees hereunto annexed, be, and shall be the standing Fees; and no other, or greater Fees shall be taken by the respective Persons in the said Docket mentioned.

Docket of Fees annexed to be the standing Fees.

LXIII. AND be it hereby enacted by the Authority aforesaid, That all former Acts made in the said Island for establishing of Courts, or regulating the Practice of the Law, or for settling due Methods for the Administration of Justice in the said Island, shall, by virtue of this Act, be repealed; and the same are, and every of them is hereby repealed, and made void.

Former Acts relating to the Practice of the Law, repealed.

LXIV. AND be it hereby further enacted by the Authority aforesaid, That all Causes, Actions, and Suits, now depending in the Court of King's-bench and Common-pleas of the said Island, and which was held by virtue of the aforesaid former Act of the said Island, intituled, *An Act for establishing of Courts, and settling due Methods for the Administration of Justice*, shall be continued in the State they now are, until the Court be held in the Month of May next, and then the same Causes, Actions, and Suits shall be tried and determined according to the Tenor and Directions of this Act; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Causes depending, to remain in the same State they are, till the next Court.

A Table or Docket of Fees in the foregoing Act mentioned, to be thereunto annexed.

LXV. Chief Judge's Fees.

Judge's Fees.

	l.	s.	d.
FOR every Writ, original and judicial, under his Hand and Seal,	0	06	00
For every Affidavit or Deposition taken before him at his own House,	0	06	00
For every Affidavit or Deposition taken before him abroad, when he goes on Purpose to take them,	1	08	00
For every Witness sworn in Court,	0	03	00
For every Judgement,	0	03	00
For the Allowance of a Writ of Error,	0	06	00
For Bail taken upon a Writ of Error,	0	14	00
For marking of the Record after the Writ is allowed,	0	06	00
			For

1724.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For the Transcript of the Record examined and returned under his Hand and Seal,	1	08	00
For every Bail, or other Security taken in Court or out of Court,	0	14	00
For every Summons to shew Cause of Action,	0	06	00
For the Examination of a Feme-covert upon any Conveyance,	2	16	00
For the Probate of every Deed or Writing for each Witness sworn,	0	06	00
For taxing a Bill of Costs,	0	06	00
For acknowledging of any Deed to be inrolled,	0	14	00
For the Admission of an Infant to his Guardian,	0	14	00
For the Committment of every Prisoner offending against the foregoing Act,	0	14	00
For the acknowledging Satisfaction of a Judgement in Court,	0	06	00
For the Admission of every Attorney of this Court,	2	16	00
For taking a Privy Verdict,	0	14	00
For the Exemplification and Examination of any Record,	1	08	00

Judge's
Clerk's Fees:LXVI. *Judge's Clerk's Fees.*

To the Judge's Clerk, for taking every Bail,	0	03	00
To ditto, for every Affidavit drawn by him,	0	06	00
To ditto, for drawing a Summons to shew Cause of Action,	0	03	00
To ditto, for drawing every Bill of Costs,	0	03	00
To ditto, for the Examination of a Feme-covert, or Probate of any Deed or Writing,	0	03	00
To ditto, for drawing a Bail-bond, or other Bond with Sureties,	0	06	00

Secretary's
Fees.LXVII. *Secretary's Fees.*

For entring every Action,	0	03	00
For every Writ of Summons to appear to an Action,	0	03	00
For filing every Declaration, Demurrer, Special Plea in Bar or Abatement, Replication, or Rejoinder,	0	01	06
For a Copy of a Declaration to serve on the Defendant, for every hundred and twenty Words,	0	01	00
For entring every General Issue,	0	01	06
For the Entry of every Declaration, or other Pleading, and all Judgements and Proceedings upon any Action or Suit in the said Court, as of Record in the Book for that Purpose to be kept, for every hundred and twenty Words,	0	01	00
For every Witness sworn in Court,	0	01	00
For entring a General Verdict,	0	01	00
For entring Judgement,	0	01	06
For every Writ, original or judicial, which he shall draw,	0	03	00
For the Transcript or Copy of any Record, or of any Deed or other Papers recorded in the Secretary's Office, for every hundred and twenty Words,	0	01	00
For the recording or entring of any Deed or Writing in the Books kept in the Office, for every hundred and twenty Words,	0	01	00
For the Entry of any Recognizance, with Condition, taken in Court,	0	03	00
For the Continuance of every Action to the third Court, by Consent of Parties,	0	01	06
For every Satisfaction, <i>Retraxit</i> , or <i>Nolle prosequi</i> entred,	0	01	06

For

	<i>l.</i>	<i>s.</i>	<i>d.</i>	
For swearing every Attorney of the Court, —	0	03	00	1724.
For his Certificate, and filing it, —	0	03	00	
For administering the Oaths of Allegiance, &c. to any Person in Court,	0	01	06	
For entering a Warrant of Attorney to confess Judgement,	0	06	00	
For the Probate of every Dead or Writing proved in Court,	0	03	00	
For entering an Order of Reference, —	0	01	06	
For Copy of ditto, —	0	03	00	
For entering the Referree's Report, —	0	01	06	
For filing a <i>Scire facias</i> of any kind, —	0	01	06	
For entering the Writ of Error, and all Proceedings thereupon, } for every hundred and twenty Words, —	0	01	00	

LXVIII. *The Marshal's Fees.*

Marshal's
Fees.

For serving every Writ of Summons, and every other original Writ,	0	03	00
For serving a Copy of a Declaration, —	0	03	00
For serving a <i>Scire facias</i> , —	0	03	00
For every Jury impanelled, he paying each Juror eighteen Pence,	1	18	00
For his Attendance upon a Jury when withdrawn,	0	03	00
For levying every Execution, for any Sum not exceeding one hundred Pounds, after the Rate of twelve Pence per Pound, }	—	—	—
For levying every Execution, for any Sum above one hun- dred Pounds, after the Rate of six Pence in the Pound, }	—	—	—
For putting up each Publication, or Sale of Things taken in Execution, —	0	03	00
For serving a Warrant of Appraisement for each Person summoned,	0	03	00
For executing a Writ of Possession of Land, —	0	03	00
For executing a Writ of Possession for Negroes, for each Negro six Shillings, —	0	06	00
For executing a Writ of Possession of Horses, and other Cattle, for each Beast, —	0	02	00
For serving a Writ of <i>Distingas</i> , or <i>Habeas corpora</i> , and at- tending the Jurors upon the View of any Lands or Tene- ments, and making his Return thereof to the Court, }	1	10	00
For serving any judicial Writ not herein before mentioned,	0	06	00
For a Bill of Sale of any Lands, Tenements, Goods, or Chat- tels taken in Execution, and delivered or sold to the Plaintiff, or other Person, —	1	08	00
For Bail taken in Court, —	0	03	00
For serving a <i>Subpoena</i> on Witnesses, for each Witness,	0	03	00
For the safe conducting of every Prisoner to and from the Court, upon a Writ of <i>Habeas corpus</i> , or otherwise, }	0	07	00
For every Person taking the Oaths of Allegiance, &c. in Court,	0	00	09
For summoning a Jury on a Writ of Partition of Lands or Tenements, —	1	08	00
For attending the Jury upon a Partition, and drawing the Partition made by them, and his Return thereof, }	3	00	00
For summoning a Jury, upon any Enquiry to be made, or Inquisition to be taken by him, or the Trial of the Pro- perty of any thing taken in Execution by him for Debt or Damages, or upon a Writ, <i>De proprietate probanda</i> , in replevin, }	1	08	00
For his Attendance upon every such Jury, and his Return of the Inquest taken, —	1	08	00

1724.

No 60.
Expired.

An Act for raising a Tax on Negroes, and other Slaves, and on the Inland Trade of the said Island.

No 61.
Expired.

An Act for settling the yearly Sum of Three hundred Pounds current Money, on the Honourable William Mathew Esquire, Lieutenant-governor of St. Christopher's, for discharging the Rent of a House for his Reception.

No 62.
Expired.

An Act for repealing of a certain Act of the Island of St. Christopher, intituled, An Act for settling a Salary on William Nivine Esquire, Agent for the Island of St. Christopher, in London, during his Agency.

No 63.
Expired.

An Act for settling a Salary on Thomas Beake Esquire, Agent for the Island of St. Christopher, in London, during his Agency.

An

1724.

An Act for building a Court-house, or publick Hall, Secretary's, and other Offices, at the Town of Old Road, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their respective Offices in the said Town.

FORASMUCH as at present there is not any Court-house, or publick Hall in the said Island, for the meeting of the Council and Assembly thereof, or for the holding of His Majesty's Courts of Justice in the same Island: Be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-general, and Governor in chief of all His Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of the said Island of *St. Christopher*, That upon that Piece of Ground belonging to His said Majesty, in the Town of *Old Road* A Court-house to be built at Old Road. aforesaid, adjoining to the common Gaol, there shall, with all possible Speed, be erected and built a Court-house, or publick Hall, and a Secretary's, and other necessary Offices, as spacious and convenient as the said Ground will admit of; the Walls of which Buildings shall be of Brick or Stone, or Brick and Stone together, of twenty four Inches thick, and eighteen Feet high at the least, with Door-cases and Window-frames of *lignum vita* Wood, Iron-wood, or some other hard and durable Wood.

II. AND be it further enacted by the Authority aforesaid, That the said Court-house shall contain one Story, or Loft, twelve Feet high from the Ground-floor; the Beams and Timber whereof, and of the Roof of the said Buildings, shall be of good, large, and substantial Pine, or other good Timber, such as the Surveyor or Surveyors, Supervisor or Supervisors of the said Buildings shall think most fit and proper. Height of the Building.

III. AND be it further enacted by the Authority aforesaid, That the Captain-general, and Governor in chief of the said Leeward Islands, shall and may appoint one or more Surveyor or Surveyors, Supervisor or Supervisors of the said Buildings; who shall take care, and see the same substantially and commodiously built, and who for that Purpose shall and may buy Lime, Bricks, Timber, and other Materials; and also agree with, and employ Masons, Bricklayers, Carpenters, and other Artificers and Workmen, and Labourers. Governor to appoint Surveyors.

IV. AND be it further enacted by the Authority aforesaid, That the whole Charge of the said Buildings, and of the Wages of the said Surveyor or Surveyors, Supervisor or Supervisors, shall be paid and discharged by the Treasurer of this Island for the Time being, out of the Treasury thereof. Charge how to be defray'd.

V. PROVIDED always, and it is hereby further enacted by the Authority aforesaid, That the Surveyor or Surveyors, Supervisor or Supervisors, who shall be appointed to superintend the said Buildings, shall, before he or they enter into any Agreement with any Masons, Bricklayers, Carpenters, or other Workmen, to build the same, lay before the said Governor in chief, and, in his Absence from the Island, before the Lieutenant-governor, or President of the Council for the Time being, and the Council and Assembly of the said Island, for their Consideration and Approbation, a Model or Plan of the said Buildings, together with the Terms and Proposals offered or proposed by any Workman or Workmen, to carry on and complete the same. Plan to be laid before the Governor.

VI. AND be it further enacted by the Authority aforesaid, That all the Records and publick Books in the Keeping or Custody of the Secretary, or his

1724.

Publick Records to be kept there.

All Officers to keep their Offices at *Old Road*, and not elsewhere.

Penalty.

his Deputy, and all other the Records and publick Books and Registers belonging to the Courts of Law and Equity, and all other Courts of Justice within the said Island, shall be removed unto, and be for ever hereafter kept in the several and respective Offices and Places, which shall be for that Purpose set apart and appointed within the said Buildings by the Captain-general, and Governor in chief of the said Leeward Islands; and, in case of his Absence from the said Island, by other the Commander thereof, by and with the Advice of His Majesty's Council, and the Assembly there.

VII. AND be it further enacted by the Authority aforesaid, That the Secretary of the said Island, and his Deputy; the Clerks, and other Officers of the Courts of King's-bench and Common-pleas of the said Island; the Masters, Registers, Examiners, and Clerks in the Chancery; the Clerks of the Crown and Peace; the Register, and other Officers of the Court of Admiralty; the Register, and all others holding Offices under the Ordinary; the Provost-marshal, and his Deputy; and all and every other Person and Persons, which do or shall exercise or enjoy any publick Office or Employment in the said Island, by virtue of any Act of the Council and Assembly thereof, or by the Nomination or Appointment of the Chief Governor of the said Leeward Islands, shall keep their several Offices at the Town of *Old Road* aforesaid, and at no other Place whatsoever within the said Island, under the Forfeiture of One hundred Pounds for every Neglect or Refusal, Notice being first given to the said Officers of the Places set apart and appointed for their said several Offices within the said Buildings respectively, by the said Chief Governor, Lieutenant-governor, Council, or Assembly; one Moiety of which Forfeiture shall be to the King's Majesty, His Heirs and Successors, for the Use of the Fortifications, and towards defraying other the contingent Charges of the said Island, and the other Moiety to him or them who shall inform or sue for the same; to be recovered by Bill, Plaint, or other Information in any Court of Record within the said Island, wherein no Essoign, Protection, or Wager in Law shall be allowed: Or if the Judges of His Majesty's Courts of King's-bench and Common-pleas in the said Island, shall, of their own certain Knowledge, know any of the said Officers to offend in the Premises, by not holding or keeping their respective Offices at the Town of *Old Road*, as is required by this Act, and according to the true Intent and Meaning thereof; the said Judges, or any three of them, shall, and hereby have full Power and Authority to issue a *Distingas*, directed to the Provost-marshal, or his lawful Deputy, or other lawful Officer for levying every such Forfeiture, by Sale of the Offender's Goods in three Days at the said Town of *Old Road*; of which Sale the said Provost-marshal, or his lawful Deputy, or other lawful Officer, shall give publick Notice immediately upon levying the Distress, and return the Overplus, if any, to the Owner; and every such Forfeiture shall be paid unto the Treasurer for the Time being, for the Use of His Majesty, His Heirs and Successors, in repairing the said Fortifications, and defraying other the said contingent Charges of the said Island.

An

1724.

*An Act for erecting into a Parish Part of the Quarter of this Island, &c. 65.
called Cabesterre Quarter, by the Name of the Parish of St. Paul
Cabesterre; and for enlarging the two Parishes of St. Anne Sandy
Point, and St. John Cabesterre, within the said Island.*

WHEREAS the Inhabitants of that Quarter of the said Island, called *Cabesterre Quarter*, have, since the Conquest made of the same by the Crown of *England*, been unprovided with a Place of publick Worship, wherein to perform the Divine Service of Almighty God; and therefore are desirous that the said Quarter, or some Part thereof, may be erected into a Parish, under like Qualifications and Restrictions with the other Parishes of this Island: And whereas the two Parishes of *St. Anne Sandy Point*, and *St. John Cabesterre*, by reason of their narrow Limits, and small Number of Negroes, are burthened with Parish Rates and Charges in a heavier Degree than are the other Parishes within this Island, and therefore pray to be relieved, by enlarging those respective Parishes: We therefore, Your Majesty's most dutiful and loyal Subjects, the Chief Governor of all Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of this Island of *St. Christopher*, do most humbly pray Your Majesty that it may be enacted; and it is enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Chief Governor, and Council and Assembly, and by the Authority of the same, That from and after the Date of this Act, all that Part of the Quarter within the said Island, commonly called and known by the Name of *Cabesterre Quarter*, situate and being between the *Northmost Bounds*, formerly belonging to *Monsieur Assahy*, and now in the Possession of *Martba Assahy*, and *Clement Crook*, *Henry Crook*, *Assahy Crook*, *Peter Thomas Crook*, *Thomas Crook*, and *Dowson Crook*, or their under Tenants; and the *Northmost Bounds* of the Lands in Possession of *John Orton*, and so from thence upon a direct Line to the Mountain *Sandy Point*-wards; and the *Eastmost Bounds* of the Lands in the Possession of *John Davies Esquire*, running from the Sea in a straight Line till it falls into a Gutt called *Borneuff's Gutt*, and running along the said Gutt up to the Mountain deep, Baywards, shall, and is hereby declared to be and remain a separate and distinct Parish, by the Name of *St. Paul Cabesterre*; and all the Inhabitants residing within the said Bounds shall be governed by, and subject unto the several Clauses and Things contained in an Act of this Island, intituled, *An Act for regulating Vestries; and for erecting into a Parish Part of the Quarter of this Island, called Basseterre Quarter, by the Name of St. George Basseterre; and for repealing an Act of this Island, intituled, An Act for regulating the Vestries, passed in the tenth Year of Her late Majesty's Reign; and for annexing other Parts of the said Quarter to the respective Parishes of St. Mary Cayon, and Trinity Palmeto Point, in the same Manner, and to all Intents, Constructions, and Purposes whatsoever, as far as they shall relate to the regulating of Vestries, as is any other Parish within the said Island, and under all the Penalties and Forfeitures of the said Act respectively; and the said Parish of St. Paul Cabesterre shall hereafter be deemed a distinct Parish, and as such shall enjoy the respective Rights, Privileges, and Advantages of a separate and distinct Parish, in as full and ample a Manner as any of the said other Parishes within the said Island do, or are by Law intituled unto; and shall have equal Right in choosing Vestrymen, and other Parish-officers*

1724.

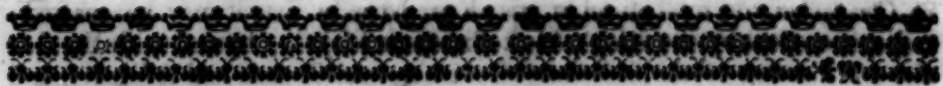
The Remains
of the Quar-
ter how to be
divided.

rish-officers, for transacting any Business whatsoever relating to the Affairs of the said Parish of *St. Paul Cabesterre*, as any of the other said Parishes have and enjoy by virtue of the said Act.

II. AND it is further enacted and declared by the Authority aforesaid, That the two remaining Parts of the said Quarter shall be annexed to the said two Parishes of *St. Anne Sandy Point*, and *St. John Cabesterre*; namely, That Part next adjoining to the said Parish of *St. Anne Sandy Point*, shall be added and annexed to the said Parish of *St. Anne Sandy Point*; and that Part next adjoining to the said Parish of *St. John Cabesterre*, shall be added and annexed to the said Parish of *St. John Cabesterre*; and all the Inhabitants residing within the two said additional Parts of the aforesaid Parishes of *St. Anne Sandy Point*, and *St. John Cabesterre*, shall have the same Rights, Privileges, and Advantages, as the other Inhabitants within the same Parishes have, can, or may have by virtue of the said Act.

Continuance
of this Act.

III. AND be it further enacted by the Authority aforesaid, That nothing in this Act contained, relating to the aforesaid Quarter of *Cabesterre*, and Inhabitants thereof, for erecting the said Quarter into a Parish, and annexing the two remaining Parts thereof to the two next adjoining Parishes of *St. Anne Sandy Point*, and *St. John Cabesterre*, shall have Continuance, or be in Force longer than, and until an Alteration or other final Disposition shall be made of the Lands in the said Quarter, by His Majesty, His Heirs or Successors.



1725.
No 66.

An Act to repeal an Act made in the eighth Year of the Reign of His Majesty King George, intituled, An Act for raising of Gunpowder, and Small Arms, upon the Tonnage of the Vessels trading to and with this Island, so far as the said Act relates to all Sloops and other Vessels trading to this Island from the British Islands, lying to the Leeward of this Island; and to exempt the said Sloops and Vessels from the Duties and Penalties in the said Act contained.

WHEREAS by an Act of the said Island, made in the eighth Year of the Reign of our Sovereign Lord King George, intituled, *An Act for raising of Gunpowder, and Small Arms, upon the Tonnage of the Vessels trading to and with this Island, for the Uses in the said Act mentioned*, it is enacted, That a Duty of Gunpowder and Small Arms be laid on the Tonnage of all Vessels trading to the said Island, excepting those Vessels whose Owners are Inhabitants of the same Island: And whereas since the making of the said Act, it has been found by Experience, that the Inhabitants of the *British Islands* to the Leeward of this Island, trading in Sloops and other Small Vessels, and bringing hither for the Benefit of this Island live Stock, *Indian Provisions*, Timber for building, and other Commodities, by reason those things amount to an inconsiderable Value and Profit, are unable to pay the Duties enjoined by the said Act: For the Relief therefore of the Inhabitants of the aforesaid Leeward Islands, and to encourage them to trade, and send their Vessels to this Island; we, Your Majesty's most dutiful and loyal Subjects, the Governor in chief of all

all Your Majesty's Leeward Carribbee Islands in *America*, and the Council and Assembly of the aforesaid Island, do most humbly pray that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Governor in chief, and the Council and Assembly of the said Island of *St. Christopher*, That from and after the twenty fifth Day of *March* now next coming, all Sloops, and other Vessels coming and trading to and with this Island from the aforesaid *British* Leeward Islands, and bringing live Stock, *Indian* Provision, Timber for building, Cotton, Hammucks, or any other Commodity of the Growth and Produce of the aforesaid Leeward Islands, shall be wholly exempted and freed from paying the Duties imposed by the said Act, and from the Penalties therein contained; any Law or Act of this Island to the contrary thereof notwithstanding.

1725.

What Things
are exempted
from the Du-
ties imposed
by 8 Geo. 1.



An Act to limit the Time of an Act, intituled, An Act to regulate the Militia of this Island. R^o 67.
Expired.



An Act to subject all Goods and Commodities, of the Growth and Produce of the late French Part of the Island of St. Christopher, which are or shall be shipt off from the said Island, to the Payment of the Four and a Half per Cent. Duty; and to ascertain at what Places all the Duties of Four and a Half per Cent. shall be received. 1727.
R^o 68.

WHEREAS in and by an Act or Statute of the General Council and General Assembly of the Leeward Carribbee Islands in *America*, called or known by the Names of the Islands of *Nevis*, *St. Christopher*, *Antigua*, and *Mountserrat*, made in or about the Year of our Lord One thousand six hundred and sixty three, and intituled, *An Act for settling an Impost on the Commodities of the Growth of the said Leeward Carribbee Islands*, a certain Duty or Custom of four Pounds and a half in *Specie*, for every hundred weight of the Commodities of the Growth and Produce of the said Leeward Islands, then after to be shipt off from the said Island, or any of them, was given and granted to our late Sovereign Lord *Charles* the Second, then King of *England*, *Scotland*, *France*, and *Ireland*, and to His Heirs and Successors for ever, as in and by the same Act or Statute, relation being thereunto had, may more fully, and

1727.

All Goods of
the Produce
of the French
Part of the
Island, liable
to four and a
half per Cent.
Duty.

and at large appear: And whereas since the making of the said Statute (to wit) in and by the late Treaty of Peace and Friendship concluded at *Utrecht* between the Crowns of *Great Britain* and *France*, an entire Cession was made by the Most Christian King, *Lewis* the Fourteenth, to our late Sovereign Lady, *Anne*, Queen of *Great Britain*, *France*, and *Ireland*, and to Her Crown for ever, of all that Part of the Island of *St. Christopher* formerly belonging to the Crown of *France*, so that the same late French Part of the said Island of *St. Christopher* is now become Parcel of the Realm of *Great Britain*, and is under the sole Dominion and Government of the Crown of the same: And whereas some Doubts have arisen, whether the said late French Part of the said Island, so yielded up, as aforesaid, to the said Crown of *Great Britain*, be subject to the Payment of the aforesaid Duties of four Pounds and a half per Cent. so as aforesaid in and by the said recited Act given and granted to our said late Sovereign Lord King *Charles* the Second, His Heirs and Successors: For avoiding therefore all Disputes and Controversies which may for the future arise within the same Island, touching or concerning the Payment of the same Duties; we, Your Majesty's most dutiful and loyal Subjects, *John Hart* Esquire, Your Majesty's Captain-general, and Governor in chief of all Your Majesty's Leeward Carribbee Islands in *America*, and the Council and Assembly of the said Island of *St. Christopher*, do humbly beseech Your Majesty that it may be enacted and declared; and be it, and it is hereby enacted and declared by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-general, and Governor in chief of the said Leeward Carribbee Islands in *America*, and the Council and Assembly of the said Island of *St. Christopher*, and by the Authority of the same, That all and singular the Goods and Commodities of the Growth and Produce of the said late French Part of the said Island of *St. Christopher*, and which at this Time are, or hereafter shall be shipped from thence, in order to be carried to any other Port or Place whatsoever, are, and for ever hereafter shall be subject and liable, and the same Goods and Commodities, and every of them, are hereby made subject and liable to the Payment of the aforesaid Duties and Customs of four Pounds and half a Pound per Cent. in *Specie*, to Your Most Sacred Majesty, Your Heirs and Successors, in such Manner and Sort, as the Goods and Commodities of the Growth and Produce of that Part of the said Island, known or called by the Name of the *English* Part thereof, have heretofore and hitherto been subjected and liable unto, by Force and Virtue of the above-recited Act or Statute.

The said Duty
where to be
paid.

II. AND whereas the said Duties or Customs have heretofore been accustomed to be paid to Your Majesty, and Your Royal Predecessors, at the Ports or Shipping-places only within the *English* Part of the said Island; which being most of them very remote, and far distant from most of the Settlements made by Your Majesty's Subjects in the said late French Part of the same Island, doth render the Carriage of the same Duties and Customs, in Hogsheads, Casks, and other Packages thither, very inconvenient, burthensom, and expensive to them: For Remedy thereof for the future, and forasmuch as there is at this Time a very considerable Town built by several of Your Majesty's good and faithful Subjects, called *Basseterre* Town, within the French Part of the said Island, which is now become one of the chief Places of Trade in the said Island, and where a great Part of the Ships and Vessels trading to the same do lade; be it therefore further enacted and declared by the Authority aforesaid, That the several Ports of *Old Road*, *Sandy Point*, and *Basseterre*, within the said Island, shall for ever hereafter be, and be deemed and taken as Towns and Places wherein the aforesaid Duties and Customs accruing and growing due to Your Majesty, Your Heirs and Successors, within the said Island of *St. Christopher*, by virtue of this and the above-recited Act, or either of them, shall and may be paid and delivered; and that Your Majesty's present Customer or Collector of Your Customs in the said Island, and all and every

every other Customer or Collector, Customers and Collectors within the same Island for the future, shall receive and take the said several Duties and Customs at the said several Towns of *Old Road*, *Sandy Point*, and *Basseterre* respectively; any Law, Statute, or Usage to the contrary thereof in any wise notwithstanding.

1727.



*An Act against covinous and fraudulent Conveyances; and for a publick R^o 69.
Registry in the Island of St. Christopher.*

FORASMUCH as divers of His Most Excellent Majesty's good and faithful Subjects in the said Island, after Conveyances to be obtained, and Purchases to be made of Lands, Tenements, and Hereditaments, Negro, Mulatto, or *Indian* Slaves, for Money, or other good Consideration, may have, receive, and incur great Loss and Prejudice, by reason of fraudulent and covinous Sales, Conveyances, Estates, Gifts, and Assurances and Limitations of Uses to be made of, in, or out of any Lands, Tenements, Hereditaments, Negro, Mulatto, or *Indian* Slaves to be purchased: And whereas Estates and Titles are rendered very uncertain and precarious to the Inhabitants of the said Island, for want of a proper Office for the securing and preserving of Deeds and Conveyances; and cannot be remedied, but by settling and establishing one for that Purpose: And whereas the Island of *Antigua* hath, by many Years Experience, been convinced of the unspeakable Advantages of an Act erecting an Office in that Island, for the registering of Deeds, Conveyances, and Wills: We therefore, Your Majesty's most dutiful and loyal Subjects, the Captain-general, and Governor in chief of all Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of the Island of *St. Christopher*, pray that it may be enacted; and be it, and it is hereby enacted and ordained by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Chief Governor, and the said Council and Assembly, and by the Authority of the same, That all Deeds and Conveyances, Gifts, Grants, and Assurances, which after the Publication of this Act shall be made in Writing, and executed; and all Writs and Devises in Writing, made or to be made, and published where the Devisor or Testator shall die (after the said Publication of or concerning, and whereby any Messuages, Lands, Tenements, Hereditaments, Negroes, or other Slaves whatsoever in the said Island, may be any way affected in Law or Equity) shall be entred and registred in such Manner as is herein after directed; and that every Deed and Conveyance that shall, at any Time after such are registred, be made and executed, of the Messuages, Lands, Tenements, Hereditaments, Negroes, or other Slaves, or any Part thereof comprised or contained in any such Deed or Conveyance, shall be adjudged fraudulent and void, against any subsequent Purchaser or Mortgagee, for valuable Consideration, unless such Deed or Conveyance shall be registred, as by this Act is directed, before the registering of the Deed or Conveyance under which such subsequent Purchaser or Mortgagee shall claim: And that every Devise, by Will of Lands, Tenements, Hereditaments, Negroes, or other

Deeds, &c.
to be registred,

1727. Slaves, or any Part thereof mentioned or contained in any Will so registred, as aforesaid, that shall be made and published after the registering such Will, shall be adjudged fraudulent and void, against any subsequent Purchaser or Mortgagee, for valuable Consideration, unless such Will be registred in such Manner as is herein after directed.

II. AND be it further enacted, That from and after the Publication of this Act, no Lands, Tenements, or Hereditaments whatsoever within this Island, shall pass, alter, or change from one to another; nor any Estate of Inheritance or Freehold, or for Years, shall be made, or any Property therein altered or transferred, or take Effect in any other Person or Persons, or any Use thereof be raised by reason of any Bargain, Sale, *Feoffment*, Gift, Letters Patent, Grant, or other Conveyance whatsoever to be made or executed thereof, except such Letters Patent, Bargain, Sale, *Feoffment*, Gift, Grant, or other Conveyance shall be entred and registred in the said Register's Office as follows; *viz.* Every Letters Patent, Bargain, Sale, *Feoffment*, Gift, Grant, or other Conveyance of, touching, or concerning the Premises, or any of them, made and executed upon the said Island, shall be registred within three Calendar Months after the making and executing thereof; and every such Letters Patent, Bargain, Sale, *Feoffment*, Grant, or other Conveyance made and executed beyond the Seas, shall be entred and registred within the Term of two Years from and after the Execution thereof.

if executed
within the
Island, in 3
Months;

if beyond the
Seas, in 2
Years.

Proviso.

III. PROVIDED nevertheless, and it is hereby declared, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend to any Contracts made or to be made with the Commissioners appointed by His Majesty, for the proposing, offering, treating, contracting, and agreeing for the Purchase of the late *French* Lands in this Island, or to any Leases made of any Lands, Tenements, Hereditaments, Negroes, or other Slaves, wherein or whereupon the full or accustomed Rent of such Lands, Tenements, Hereditaments, Negroes, or other Slaves, is really, and *bona fide*, reserved and made payable, and where the Lessee is and shall have been in the actual Possession of the Lands, Tenements, Hereditaments, Negroes, or other Slaves so leased, from the Time of making such Lease; but that all such Contracts and Leases shall be in all Things as firm, valid, and effectual (although not registred in the said Office) as they would or could have been in case this Act had never been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Clause to pre-
vent double
Mortgages,
&c.

IV. AND for the preventing any Frauds that may be committed by any double Mortgage, or Sale of any Lands, Tenements, Hereditaments, Negroes, or other Slaves, after any Mortgage or Sale made thereof; be it, and it is hereby enacted by the Authority aforesaid, That every Grant, Bargain, Sale, or other Conveyance hereafter to be made of any Lands, Tenements, Hereditaments, Negroes, or other Slaves, for the securing the Payment of any Sum or Sums of Money, or Quantity of Sugar, or for the Performance of any Condition whatsoever, shall be void, to all Intents and Purposes whatsoever; unless the same be entred and registred in the said Office, if made and executed within this Island, in one Calendar Month; and if beyond the Seas, within one Year after the Execution of such Deed.

and Frauds in
making Grants
of Negroes,
&c. for Con-
sideration of
Blood or Af-
fection.

V. AND for preventing of Frauds usually committed in making private Gifts and Grants of Negroes and other Slaves, for Consideration of Blood, or natural Affection; be it, and it is hereby likewise further enacted by the Authority aforesaid, That all and singular Gifts and Grants of Negroes or other Slaves, which hereafter shall be made to any Person or Persons whatsoever, in Consideration of Blood or natural Affection, or where the Person or Persons to whom such Gift or Grant shall be made, is or are any ways allied by Blood to the Giver or Granter thereof, shall be, *ipso facto*, void, to all Intents, Constructions, and Purposes; unless such Gifts and Grants shall be put into Writing.

ing, and entred and registred in the said Office within such Time and Times, and in such Manner as all other Deeds, Conveyances, Assurances, and Mortgages of Lands, Tenements, Hereditaments, Negroes, and other Slaves within the said Island, are herein before directed and appointed to be entred and registred: And that every such Deed, and other Conveyance in Writing (Letters Patent only excepted) of, touching, or concerning the Premises, as shall be made and executed upon this Island, shall, before the same be registred, be either acknowledged by the Party or Parties who shall execute the same, or the Execution thereof be proved by the Oath of one of the Witnesses thereto, before the Chief Justice of the King's-bench and Common-pleas here; or, in case of his Absence from this Island, before the eldest Justice of the said Court; and that all such Deeds and Conveyances in Writing (Letters Patent only excepted) of, touching, or concerning the Premises, as shall be made and executed beyond the Seas, shall be acknowledged or proved in Manner as aforesaid, before one of the Justices of the King's-bench and Common-pleas, or before the Chief Magistrate or Officer of the Land, Island, or Place where such Deed or Conveyance shall be executed.

VI. AND for settling and establishing a certain Method, with proper Rules and Directions for registering such Deeds, Conveyances, and Wills, as aforesaid; be it, and it is hereby further enacted by the Authority aforesaid, That one publick Office for registering such Deeds, Conveyances, and Wills, of and concerning the Premises, shall be established and kept in the Town of *Basseterre*, in the said Island; which said Office shall be managed and executed by *Nicholas Bland*, of the said Island, Esquire, or his sufficient Deputy, for so long Time as he shall well demean himself therein; and from and after the Death, Surrender, or Forfeiture of the said *Nicholas Bland*, the said Office shall be managed and executed by a fit and able Person, to be from Time to Time elected and appointed in Manner herein after directed, or his sufficient Deputy, and to continue likewise in the said Office for so long Time as he shall well demean himself therein: And that all Elections of a Register, at any Time hereafter to be made or appointed by virtue of this Act, shall be made by the Chief Governor, or Commander in chief of the said Leeward Caribbee Islands for the Time being, by and with the Approbation and Consent of the Council and Assembly of the said Island; and the Person so elected and appointed by the said Chief Governor, or Commander in chief for the Time being, by and with the Approbation and Consent of the said Council and Assembly, by virtue of this Act, as aforesaid, shall be declared Register: And that when and as often as the said Office shall be vacant, by the Death, Forfeiture, or Surrender of any such Register, the said Chief Governor, or Commander in chief for the Time being, shall and is hereby obliged and required, upon the first Notice after such Death, Forfeiture, or Surrender, by and with the Advice of the said Council and Assembly, to elect and appoint a fit and able Person for a succeeding Register, in Manner as aforesaid; and the Person so elected, publickly to declare Register.

VII. AND be it further enacted by the Authority aforesaid, That upon the Death of any such Register, and until another Election of a Person to execute that Office shall be made in Manner as aforesaid, the Executors or Administrators of the Register deceased, together with the Sureties of the said Register, or their Executors or Administrators, shall appoint a proper Person to execute the Office of Register; for whose Demeanor in the Execution of the said Office, the Sureties given for such Register deceased, shall be liable.

VIII. AND be it further enacted by the Authority aforesaid, That the said Register shall indorse a Certificate on every Deed, Conveyance, and Will, and therein mention the certain Day, Hour, and Time in which such Deed, Conveyance, and Will is so entred and registred, expressing also in what Book, Page, and Number the same is entred; and that the Register, or his Deputy,

1727.

Register Office where to be kept, and by whom managed.

Place of deceased Register how to be supplied, till another is elected.

In what Manner Deeds, &c. are to be registred.

shall

1727.

shall sign the said Certificate so indorsed; which Certificate shall be taken and allowed as Evidence of such respective Registries in all Courts of Record within this Island; and that every Page of the Register Books, and every Deed, Conveyance, and Will that shall be entred therein, shall be numbered, and the Day of the Month, and the Day, Hour, and Time of the Day, when every Deed, Conveyance, and Will is registred, shall be entred in the Margent of the said Register Books, and of the said Deeds, Conveyances, and Wills; and that every such Register shall keep a Calendar, referring to every Deed, Conveyance, and Will that concerns any Messuages, Lands, Tenements, Hereditaments, Negroes, or other Slaves within the said Island, and of the Names of the Parties mentioned in the said Deeds, Conveyances, and Wills; and that the said Register shall duly file every such Deed, Conveyance, and Will, in Order of Time, as the same shall be brought to the said Office, and enter or register the said Deeds, Conveyances, and Wills, in the same Order that they shall respectively come to Hand.

Register to
be sworn,

IX. AND be it further enacted by the Authority aforesaid, That every such Register, before he enter upon the Execution of his Office, shall be sworn before the Chief Governor, Lieutenant-governor, or President of the Council, who are hereby impowered and required to administer the said Oath in these Words:

YOU shall truly and faithfully perform and execute the Office and Duty that is directed and required by an Act of this Island, intituled, *An Act against covinous and fraudulent Conveyance; and for a publick Registry in the Island of St. Christoper, in registering Deeds, Conveyances, and Wills within the same, so long as you shall continue in the said Office.*

So help you God.

and give Se-
curity.

And that when and as often as the said Register shall appoint any Deputy to execute the said Office, such Deputy shall, before he enter upon the Execution thereof, take the said Oath appointed to be taken by the said Register, before the said Chief Governor, Lieutenant-governor, or President of the Council, who are hereby impowered and required to administer such Oath: And that every Register, at the Time of his being sworn into the said Office, shall also enter into a Recognizance, with two or more sufficient Sureties, to be approved of by the said Chief Governor, or Commander in chief for the Time being, and the Council and Assembly of the said Island, before one of the Justices in the Court of King's-bench in the said Island for the Time being, of the Penalty of Two thousand Pounds, unto His Majesty, His Heirs and Successors, conditioned for his true and faithful Performance of his Duty in the Execution of his said Office: And if any Person or Persons shall or may happen to be aggrieved, or suffer any Wrong or Damage by the Register for the Time being, or his Deputy, contrary to the true Intent and Meaning of this Act; such Person or Persons shall and may, in the King's Majesty's Name, bring a Writ of *Scire facias* against the said Register, his Executors or Administrators, upon the aforesaid Recognizance, returnable in the Court of King's-bench and Common-pleas in this Island; to which said *Scire facias* the Register, his Executors or Administrators, shall be obliged to plead, and come to Issue in the second Court after the Date of such Writ, otherwise Judgement shall be given against him or them, as by *Nihil dicit*; and then a Writ from the Chief Justice of the said Court, or, in his Absence, the next Justice in Commission, shall be directed to the Provost-marshal, or his lawful Deputy, to enquire, by twelve good and lawful Men of the said Island, of the Damages sustained by the Person or Persons prosecuting such Writ; and upon the Return of the same Inquisition, Judgement shall be given for treble the Value of the Damages so found by such Jury; which Damages, when levied,

levied, shall go and be paid by the Provost-marshal of the said Island, or his lawful Deputy, to the Party so found to be grieved.

X. AND be it further enacted by the Authority aforesaid, That every such Register, or his sufficient Deputy, shall give due Attendance at his Office every Day in the Week (except *Sundays* and Holy-days) between the Hours of Seven and Twelve in the Forenoon, for the Dispatch of all Business belonging to the said Office; and that every such Register, or his Deputy, as often as required, shall make Searches concerning all Deeds, Conveyances, and Wills, that are registred, as aforesaid, and give Certificates concerning the same under his Hand, if required by any Person.

1727.

To attend
from 7 to 12
o'Clock in
the Forenoon.

XI. AND be it further enacted by the Authority aforesaid, That if any such Register, or his Deputy, shall enter or register any Deeds or Conveyances which shall or may affect any Lands, Tenements, Hereditaments, Negroes, or other Slaves within this Island, before the same shall be acknowledged or proved in Manner as before in this Act is directed; or shall neglect to perform his or their Duty in the Execution of the said Office, according to the Rules and Directions in this Act mentioned; or commit, or suffer to be committed any undue or fraudulent Practice in the Execution of the said Office, and be thereof lawfully convicted; then the said Register shall forfeit his said Office, and pay treble Damages to every such Person or Persons as shall be injured thereby; to be recovered by such Writ of *Scire facias*, as aforesaid, to be brought upon the aforesaid Recognizance; and in case such Recognizance shall fall short of the Damages so sustained by such Person or Persons, that then such Person or Persons shall and may recover the Residue of his or their Damages against such Register, his Executors or Administrators, by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record within the said Island, wherein no Essoign, Protection, Privilege, or Wager of Law shall be allowed, or any more than one Impar lance.

Penalty on
Register's
Neglect of
Duty.

XII. PROVIDED nevertheless, and it is hereby enacted and declared, That if any Person or Persons, appointed or to be appointed Register, by virtue of this Act, shall happen to die, or do, or shall surrender the said Office; that then, and in such Case, if no Misbehaviour appear in such Register, in the Execution of his said Office, within two Years after such Death or Surrender, the Recognizance so to be entred into by such Register, shall from thenceforth cease, determine, and be absolutely void, to all Intents and Purposes whatsoever, as if the same had never been entred into, acknowledged, or made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

XIII. AND be it further enacted by the Authority aforesaid, That the Person to be nominated, as aforesaid, upon the Death of any Register, to execute the said Office during the Time the same shall be vacant, as aforesaid, shall, before he enter upon the Execution thereof, take the Oath herein before appointed to be taken by such Register, and his Deputy, before the said Chief Governor, Lieutenant-governor, or President of the Council, who are hereby empowered to administer the said Oath; and that if any such Person so nominated, shall be lawfully convicted of any Neglect, Misdemeanor, or fraudulent Practice, in the Execution of the said Office, during such Vacancy, he shall be liable to pay treble Damages to every Person that shall be injured thereby; to be recovered as aforesaid.

Persons sup-
plying decess-
ed Register's
Place, to take
the Oath,
&c.

XIV. PROVIDED always, and it is hereby enacted, That all Wills that shall be registred in Manner as aforesaid, within the Space of three Calendar Months after the Death of every respective Devisor or Testator dying within this Island, or within the Space of two Years after the Death of every respective Devisor or Testator, dying upon or in any Parts beyond the Seas, shall be as valid and effectual against subsequent Purchasers, as if the same had been registred immediately after the Death of every such respective Devisor or Testator; any

Clause relat-
ing to the
Registry of
Wills.

1727.
Proviso.

thing herein before contained to the contrary thereof in any wise notwithstanding.

XV. PROVIDED always, That the Devisee, or Person or Persons interested in the Messuages, Lands, Tenements, Hereditaments, Negroes, or other Slaves, devised by any such Will, as aforesaid, by reason of the contesting such Will, or the Absence of the Ordinary, or Deputy-ordinary, from the said Island, or other inevitable Difficulty, without his or their wilful Neglect or Default, shall be disabled to exhibit the said Will for the Registry thereof within the respective Times herein before limited; then, and in such Case, the Registry of the Will, within the Space of six Months next after his or their Attainment of such Will, or Removal of the Impediments whereby he, she, or they are disabled or hindered to exhibit such Writ, shall be a sufficient Registry within the Meaning of this Act; any thing herein contained to the contrary in any wise notwithstanding.

Register's
Fees.

XVI. AND be it further enacted by the Authority aforesaid, That every such Register shall be allowed for the Entry of every such Deed, Conveyance, and Will, or any other Instrument of Writing whatsoever, that may or shall be registred in the said Office, or for Copies thereof when demanded, for every hundred Words, one Shilling and six Pence current Money; for searching the Register Books for any Deed, Conveyance, or Will, or for each Instrument searched for, four Shillings and six Pence of like Money; for a Certificate of the registering of any Deed, Conveyance, or Will, &c. four Shillings and six Pence of like Money.

Publick Act.

XVII. AND that this Act shall be taken and allowed in all Courts in this Island as a publick Act; and all Judges, Justices, and Juries are to take Notice thereof, without specially pleading the same.

Proviso.

XVIII. PROVIDED always, and it is nevertheless hereby declared, That nothing in this Act contained shall be of any Force or Effect whatsoever, until His Majesty shall have signified and declared His Royal Assent thereto.



32° 70.

An Act for regulating Vestries, and erecting into Parishes those Parts of this Island formerly belonging to the French; and for annexing other Parts of the said French Lands to the Parishes of St. Mary Cayon, St. John Cabesterre, St. Anne Sandy Point, and Trinity Palmeto Point: And for repealing two Acts of this Island (one made in the tenth Year of the Reign of Her late Majesty Queen Anne, and the other in the ninth Year of His late Majesty King George) for regulating Vestries in this Island; and for ascertaining the Bounds of every respective Parish in this Island.

WHEREAS, by the Treaty of Peace and Friendship concluded at Utrecht on or about the thirty first Day of March, One thousand seven hundred and thirteen, between our late Sovereign Lady Queen Anne, and Lewis the Fourteenth, the late Most Christian King, it was agreed (amongst other

other things) That this whole Island should be possessed for ever thereafter alone by *British* Subjects; since which Time, as well as by Conquest before, this whole Island became Part of the Domain of the Crown of *Great Britain*: And whereas an Act of this Island was made, and dated the ninth Day of *March*, One thousand seven hundred and twenty two three, intituled, *An Act for regulating Vestries, and for erecting into a Parish Part of the Quarter of this Island, called Basseterre Quarter, by the Name of the Parish of St. George Basseterre; and for repealing an Act of this Island, intituled, An Act for regulating Vestries, passed in the tenth Year of Her late Majesty's Reign; and for annexing other Parts of the said Quarter to the respective Parishes of St. Mary Cayon, and Trinity Palmeto Point*: And also one other Act was made, and dated the twenty second Day of *June*, One thousand seven hundred and twenty four, intituled, *An Act for erecting into a Parish Part of the Quarter of this Island, called Cabesterre Quarter, by the Name of the Parish of St. Paul Cabesterre; and for enlarging the two Parishes of St. Anne Sandy Point, and of St. John Cabesterre, within the said Island*; which Act should have Continuance, or be in Force no longer than until an Alienation, or other final Disposition should be made of the Lands in the said Quarter, by His then Majesty, His Heirs or Successors: And whereas, by a Commission from His late Majesty King *George the First*, dated at *St. James's* the fourth Day of *June*, One thousand seven hundred and twenty six, His said late Majesty was pleased to declare His Resolution for the final Disposol of that Part of His Domain, the late *French* Quarters of *St. Christopher's*; and thereby the aforesaid recited Acts, which concern or relate to the said Quarters of this Island, late *French*, are become void and expired: And whereas it is highly necessary, that the said respective Parts of this Island, late *French*, should be under the like Parochial Regulations, as the *English* Part; therefore we, Your Majesty's most dutiful and loyal Subjects, the Commander in chief of all Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of the Island of *St. Christopher*, do most humbly pray Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Commander in chief, Council, and Assembly aforesaid, and by the Authority of the same, That, from and after the Date of this Act, the aforementioned Act for regulating Vestries, passed in the tenth Year of Her late Majesty's Reign; and the aforementioned Act, passed the ninth Day of *March*, in the Year of our Lord One thousand seven hundred and twenty two three, intituled, *An Act for regulating Vestries, and for erecting into a Parish Part of the Quarter of this Island, called Basseterre Quarter, by the Name of St. George Basseterre; and for repealing an Act of this Island, intituled, An Act for regulating the Vestries, passed in the tenth Year of Her late Majesty's Reign; and for annexing other Parts of the said Quarter to the respective Parishes of St. Mary Cayon, and Trinity Palmeto Point*; and the aforementioned Act, passed the twenty second Day of *June*, One thousand seven hundred and twenty four, intituled, *An Act for erecting into a Parish Part of the Quarter of this Island, called Cabesterre Quarter, by the Name of the Parish of St. Paul Cabesterre; and for enlarging the two Parishes of St. Anne Sandy Point, and St. John Cabesterre, within the said Island*, be, and are hereby declared repealed, annulled, and void.

II. AND be it, and it is hereby further enacted by the Authority aforesaid, That, from and after the Date of this Act, the Whole of this Island shall be, and is hereby divided into nine Parishes; each of the said Parishes to be named and bounded, as hereafter mentioned; that is to say, The Parish of *St. George Basseterre* to consist of, and to contain all that *Eastward* Part of this Island, bounded as is herein after expressed or described; that is to say, From the Sea-side, where the Gutt called *Gillew's Gutt* runs into the Sea, by a Line running *Northward* up the Wash of the said Gutt to the Top of the Mountains,

1727.

The Acts 10
Ann. & 9 Geo.
I. relating to
Vestries re-
pealed.

The Island
divided into
nine Parishes.

1727-

Mountains, thence running *Eastwardly* along the Top of the said Mountains, to take in the Plantation at present possessed by *Mathew Mills* Esquire, and the Executors of *Richard Halmes* Esquire, deceased, and so continuing still *Eastwardly* along the dividing Line between the Plantation possessed by *Tobias Wall* Esquire, and Mr. *George Taylor* junior, and so continuing *Eastwardly* on the Line dividing the Plantations in Possession of Mr. *William Woodley* senior, Mr. *Christopher Stoddart*, Mr. *John Seaborn*, and *Peter Thomas* Esquire, thence continuing in a straight Line due *North* to the Sea-shore, thence along the said Sea-shore, *Eastwardly* to the *North-west* Foot of *Sir Timothy's* Hill, and thence along the *Leewardmost* Foot of the said Hill to the Sea-shore, and thence to *Gillen's Gutt* aforesaid: The Parish of *St. Peter Basseterre* to consist of, and to contain all that Part of this Island bounded to the *Southward* and *Eastward* with the Parish of *St. George Basseterre* aforesaid; to the *Northward*, with the Sea-shore, including the Plantation in Possession of *John Greatheed*, and *William M^c Dowall* Esquires, so pursuing *Westwardly* the Bounds of the Lands in Possession of the said *William M^c Dowall*, and running by the dividing Lines which separate the Plantations in Possession of *Richard Halloran*, *Margaret Bridgewater*, and *Sarah Browne*, *Robert Cuninghame*, *John Spooner* Esquires, and Mr. *Richard Wilson*; to the *Northward*, from the Plantation in Possession of *Lady Stapleton*, *Timothy Hare* Esquire, *Thomas Bridgewater* Esquire, Mrs. *Mary Simmonds*, and Mr. *Charles Loundes*, and so along the Tops of the Mountains along the old *French* dividing Line, till it comes at the Head of the Plantations in Possession of *Mathew Mills* Esquire, to the Bounds of the Parish of *St. George Basseterre* aforesaid: The Parish of *St. Mary Cayon* to consist of, and contain all that Part of this Island bounded to the *Northward* with the Sea-shore; to the *Eastward*, with the Parish of *St. Peter Basseterre* aforesaid; to the *Southward*, with the said Parish of *St. Peter Basseterre*, on a Centre, *East* and *West* Line, in the Mountains which divides it from the Parishes of *St. George Basseterre* aforesaid, and *Trinity Palmeto Point*, hereafter mentioned; to the *Westward*, with the Gutt called *Soldiers Gutt*, from the Sea-shore, running up to the Foot of *Dupont's* Island, so along the said Gutt to the Top of the Mountains, excluding the said Island from this Parish: The Parish of *Christ Church Nichola Town* to consist of, and contain all that Part of this Island bounded to the *Northward* with the Sea-shore; to the *Eastward*, with the Parish of *St. Mary Cayon* aforesaid; to the *Southward*, with a Centre, *East* and *West* Line, through the Mountains dividing this Parish from the Parish of *St. Thomas Middle Island*, herein after mentioned; and to the *Westward*, with *St. George's Gutt*, from the Sea to *Bonana Gutt*, which divides *Taylor's* Island, and *Bevon's* Island: The Parish of *St. John Cabesterre* to consist of, and to contain all that Part of this Island bounded to the *Northward* with the Sea; to the *Eastward*, with the Parish of *Christ Church Nichola Town*; to the *Southward*, with an *East* and *West* Centre Line through the Mountains, dividing this Parish from the Parish of *St. Thomas Middle Island*, and *St. Anne Sandy Point*, hereafter mentioned; and to the *Westward*, with a Line running from the said Centre Line in the Mountains; *Northwardly*, to the Sea-shore, to include within this Parish the Plantations in Possession of Major *Peter Buor*, Mr. *James Millard*, and the Plantation lately in Possession of Colonel *John Hamilton*, deceased: The Parish of *St. Paul Cabesterre* to consist of, and to contain all that Part of this Island bounded to the *Northward* and *North-west*, with the Sea-shore; to the *Eastward* and *North-east*, with the Parish of *St. John Cabesterre*; to the *Southward*, with a Line running from the Centre Line in the Mountains aforesaid, to the Sea-shore, including in this Parish the Plantations in Possession of *Anthony Patrie*, and *Ashton Warner* Esquires, and the Plantation of *Jeremiah Browne* Esquire, whereon he now lives: The Parish of *St. Anne Sandy Point* to consist of, and to contain all that Part of this Island bounded to the *Northward* and *Westward*, with the Parish of *St. Paul Cabesterre* aforesaid, and the Centre Line in the Mountains

Mountains aforesaid, which divides this Parish from the Parish of St. *John Cabesterre* aforesaid, and with the Sea-shore; to the *Southward*, with the Sea-shore; and to the *Eastward*, with *Sandy Point* Gutt: The Parish of St. *Thomas Middle Island* to consist of, and contain all that Part of this Island bounded to the *Westward*, with the Parish of St. *Anne Sandy Point*; to the *Northward*, with the Centre Line in the Mountains aforesaid, which divides this Parish from the Parish of *Christ Church Nichola Town* aforesaid; to the *Southward*, with the Sea-shore; and to the *Eastward*, with *Stone's Fort* Gutt, from the Sea to the Top of the Mountains, taking into this Parish all the Land in the Possession of *John Garnett* Esquire, and Mr. *John Maddox*, known by the Name of *Betts's Level*: The Parish of *Trinity Palmeto Point* to consist of, and contain all that Part of this Island bounded *Westward* with the Parish of St. *Thomas Middle Island*, aforesaid; to the *Southward*, with the Sea-shore; to the *Eastward*, with the Parish of St. *George Basseterre*, aforesaid; and to the *Northward*, with the Centre Line in the Mountains aforesaid, which divides this Parish from the Parish of St. *Mary Cayon*, aforesaid.

1727.

III. AND be it further enacted by the Authority aforesaid, That all and every of the Freeholders and Houholders within this Island shall repair to their respective Parish Churches, and for want of the same, to such Place or Places as shall be appointed by the respective or neighbouring Justices of each Parish, or by Notice the *Sunday* before given in Church, during the Time of Divine Service, by the Minister, every Year successively, some Day in *Easter-week*, and by free Votes elect six of the ablest Freeholders or Houholders in each Parish, to serve as Vestrymen; who, with the Minister, shall then and there choose out of the remaining Parishioners aforesaid, two fit Persons to serve as Church-wardens, one to be elected or nominated by the Vestry, the other by the Minister.

Vestrymen and Church-wardens to be chosen yearly in *Easter-week*;

IV. AND be it enacted by the Authority aforesaid, That they the Vestrymen and Church-wardens, or the major Part of them, have hereby full Power and Authority to manage all Business of the said Parishes respectively, to settle Rules, and assess Rates, for the defraying Parish Charges, and to settle additional Salaries, and all the Fees and Perquisites of the Minister, Clerk, and Sexton; and to build, erect, and repair Churches, out of the Fund so raised by them; and to discharge and perform all other Duties, in behalf of their said Parish, belonging to their said Offices, and the Trust reposed in them.

who are to manage all Parish Business,

V. PROVIDED always, That such Rates, Fees, and additional Salaries, be not made or settled by them, to continue longer than during the Time which the Persons so making the same shall continue in their respective Offices: And in case of any Person's refusing to pay his Proportion of the said Rates upon a reasonable Demand, any two Justices of the Peace, upon Complaint thereof to be made by the Church-wardens, shall and may issue a Warrant under their Hands and Seals, directed to the Provost-marshal, or his Deputy, commanding him to summon such Person or Persons to appear before them, at a certain Time and Place in such Warrant to be appointed, to answer for such his Refusal; and in case such Person or Persons shall not appear according to such Summons, or appear, and fail in making out that he, she, or they hath or have paid his, her, or their full Proportion of the Rates or Assessments on him, her, or them to be laid, as aforesaid; then the Justices aforesaid shall issue a Warrant under their Hands and Seals, directed to the Provost-marshal, or his Deputy, commanding him to levy the said Rates or Assessments, or the Arrears thereof, which shall be proved to be due before such Justices, by the Oath of the Church-warden, or other satisfactory Proof, on the Goods and Chattels of the Person or Persons so refusing; which said Provost-marshal, or his Deputy, is hereby required and enjoined to execute the same within ten Days after his receiving thereof; and whatsoever Goods shall be attached, as aforesaid, at the Expiration of ten Days after the Attachment, shall be sold at

Justices to levy Rates upon the Goods of Persons refusing to pay the same.

H h

publick

1727. publick Outcry at the nearest Town, by the said Provost-marshal, or his Deputy; and if there be any Overplus, the same shall be returned to the Owner thereof.

Persons over-rated, how to be relieved. VI. PROVIDED nevertheless, that it is the true Intent and Meaning of this Act, That any Person or Persons whatsoever, who shall think themselves aggrieved, or unjustly dealt with, in the ascertaining his or their Share or Proportion of such Tax or Rate; the Person or Persons so aggrieved may, at any Time within six Days after such Goods shall be so attached, give Notice to the Church-wardens procuring the same, and making the Rate or Order for such Assessment, that he intends to move the Court of King's-bench and Common-pleas in this Island at their next Sitting, to quash the same; which said Court is hereby authorized and impowered to hear and examine the same, and to make such Order therein as they shall think fit; and upon the said Party's having entred into a Recognizance to the Church-wardens of the said Parish, with one or more sufficient Sureties, before any of the Justices of the said Court, to abide by, and perform such Order as shall be made by the said Court, upon such Notice, such Justice shall and is hereby required to grant a *Superfedeas*, to be directed to the Provost-marshal, or his Deputy, who has attached such Goods, commanding him to cease from any further proceeding in the Sale thereof, and to restore the same to the Parties from whom they were taken: And in case the Parties attached upon shall neglect to move the Matter to the said Court at their next Sitting, or the Matter upon hearing thereof shall be adjudged against him, he shall be adjudged by the said Court to pay to the Church-wardens double Costs for his Vexation and Delay.

Penalty on Provost-marshal's Neglect of Duty. VII. AND be it further enacted by the Authority aforesaid, That the Provost-marshal, or his Deputy, refusing or neglecting to do his Duty, as enjoined by this Act, shall forfeit the Sum of Five Pounds current Money of this Island; to be recovered by the Church-wardens in an Action of Debt, in any Court of Record in this Island, wherein no Essoign, Protection, or Wager of Law shall be allowed of: And all Fines and Forfeitures to be levied by virtue of this Act, shall be paid to the Church-wardens of each respective Parish for the Time being, who, by and with the Advice and Consent of the respective Vestries, shall apply the same towards defraying the publick Charges of the said Parish.

All former Vestry Acts repealed. VIII. AND be it further enacted by the Authority aforesaid, That any former Act or Acts for regulating Vestries, be, and is and are hereby repealed.

Former Church-wardens confirmed in their Offices. IX. AND whereas, for want of a Minister in several Parishes, Church-wardens and Vestrymen have not been hitherto regularly chosen in *Easter-week*, and it may chance hereafter to be neglected on the like Occasions; be it therefore enacted by the Authority aforesaid, That all Church-wardens and Vestrymen now acting as such in their several Parishes, as well those who were, as those who were not chosen on *Monday* in *Easter-week*, be fully confirmed in all the Powers and Authorities granted by this Act, and continue to act as such; and to collect all Levies and Assessments already laid or assent, until *Easter-week*, when a new Election shall be: And in case the Parishioners shall hereafter in *Easter-week* neglect to choose a new Vestry, the Vestry for the foregoing Year shall continue a Vestry for the Year succeeding: And if a Minister shall be at any Time presented to a Parish where there shall happen to be no Church-wardens and Vestrymen ready chosen, and in default thereof on any other Occasion; then shall all and every the Freeholders and Householders within the said Parish, upon Notice or Summons to be given them, by Warrant of a Justice of Peace, forthwith proceed to the Election and Nomination of a Vestry and Church-wardens; and the Persons so chosen, shall remain in such Office until the *Easter* after.

X. AND be it further enacted by the Authority aforesaid, That in every Parish Church shall be kept two large bound Paper Books, for the publick Service

Service of the said Parish; one whereof shall be kept for the Parish Accounts by the Church-wardens; the other, as a Register for Christnings, Marriages, and Funerals, to be kept in the said Parish by the Ministers only; and the Church-wardens are, and shall be obliged to deliver up and balance their Accounts with the Gentlemen of the Vestry, at their being discharged of the said Office, under the Penalty of Fifty Pounds current Money, to be levied and applied as herein before directed; and shall also at the same Time, and under the Penalty of One hundred Pounds (to be levied and applied as aforesaid) deliver to their Successors all the Parish Books, fair, intire, and undefaced, or as intire and undefaced as the same shall be when first delivered to, or received by them.

1727.

Penalty on Church-wardens refusing to deliver in their Accounts, &c.

XI. AND be it further enacted by the Authority aforesaid, That the Church-wardens of any Parish are and shall hereby be obliged to lay before the respective Vestries their Accounts, as aforesaid, if, and whenever thereunto required by the Vestry, under the further Penalty of Fifty Pounds for each of them; to be levied and applied as herein before directed.

To lay the same before the Vestry, whenever required.

XII. AND be it further enacted by the Authority aforesaid, That no Person shall be compelled to serve as Church-warden longer than one Year successively, from the Time of their being elected by a succeeding Election: And whatsoever Default shall be made by any Church-wardens, in collecting all and every the Rates and Assessments to be made by the respective Vestries, by the Space of sixty Days after the same shall become due and to be paid, the same shall be made good by them, or either of them so neglecting.

Not compelled to serve longer than one Year.

XIII. AND be it further enacted by the Authority aforesaid, That every Parson or Minister presented to any Parish within this Island, shall and may, yearly and every Year, demand and receive from the Inhabitants of the said Parish a Sum, or Quantity of Sugar not less than sixteen thousand Pounds of Sugar, and any further Sum hereby afore allowed to the several Vestries to settle upon him.

Minister's Salary,

XIV. AND be it further enacted by the Authority aforesaid, That every Parson or Minister presented to any Parish within this Island, shall and may, yearly and every Year, where no Parsonage House is by the Parish built and provided, demand and receive in lieu thereof, from the Inhabitants of the said Parish, a Sum not less than Twenty five Pounds current Money of this Island, or the Value thereof in Sugar, at the Price current, provided he resides in the said Parish.

and Allowance for House-rear, where there is no Parsonage House.

XV. AND be it further enacted by the Authority aforesaid, That in case of Default of Payment to the Minister of any Parish within this Island, of the said yearly Sum of sixteen thousand Pounds of Sugar, or twenty five Pounds aforesaid, or any additional Salary, or of any Part thereof, for the Space of two Months after the same shall become due, to be settled by the respective Vestries aforesaid; it shall and may be lawful for two Justices of the Peace, upon Complaint to them made, to issue their Warrant under their Hands and Seals, directed to the Provost-marshal of this Island, or his lawful Deputy, commanding him to summon the Church-warden or Church-wardens, who ought to collect and pay the same, to appear before them at a Time and Place therein to be specified, to answer for such Default of Payment; and in case the Church-wardens shall not appear on such Summons, or on Appearance shall not make appear, that the Minister complaining is fully paid; and if the said Church-wardens shall, or, without their wilful Default or Neglect, might have sufficient in their Hands to pay the same; then it shall and may be lawful for two Justices of the Peace to issue their Warrant under their Hands and Seals, directed to the Provost-marshal, or his lawful Deputy, thereby commanding him to levy on the Goods and Chattels of the said Church-wardens such Sum or Sums of Money, or Quantities of Sugar, as the Minister complaining shall, by his Oath, or other due Proof, make appear before the said Justices

On Default of paying the same, Justices may distrain on the Church-wardens.

1727.

Justices to be justly due to him, and in Arrear for Salary or House-rent aforesaid, and also for the Fees of such Prosecution; which Warrant last mentioned the Provost-marshal is hereby required to execute in ten Days after receipt thereof, and to sell the Goods and Chattels thereby to be levied on, in ten Days after, at the nearest Town, giving Notice thereof to the Person or Persons levied on, and pay the Minister his Dues within ten Days after such Sale, and the Fees of such Prosecution, and then return the Overplus, if any, to the Person levied on, on pain of forfeiting Twenty Pounds to the Minister in such Warrant named; to be recovered in any of His Majesty's Courts of Record, by Bill, Plaint, or other Action, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Proviso.

XVI. PROVIDED always, That if the said Minister or Church-wardens shall think themselves aggrieved by the Sentence or Order of the aforesaid Justices, it shall and may be lawful for him or them to appeal to the Courts of King's-bench and Common-pleas, who are hereby impowered to hear and re-examine the same, and to make such Order therein as they shall think fit.

Minister and
Church-wardens to
summon the
Vestrymen.

XVII. AND be it further enacted by the Authority aforesaid, That the Minister or Church-wardens, or either of them, have hereby full Power, as Occasion shall require, to summon and convene at the Parish Churches, or Place appointed, as aforesaid, the respective Vestrymen, to debate and consult about the Parish Affairs; and whatsoever Vestryman, Church-warden, or other Officers required to appear, Notice being given at his or their Houses, or in Church, as aforesaid, shall fail to meet accordingly, such Excuse not being given or sent as the Minister and Vestry shall approve or allow of, shall forfeit Twenty Shillings; to be levied by Warrant of Distress from the next Justice of Peace, to be directed to the Provost-marshal, or his Deputy, who, under the Penalty of Forty Shillings, is hereby enjoined within a reasonable Time to execute the same; which Penalty shall be applied to the Use of the Poor of such Parish, the said Provost-marshal, or his Deputy, to be allowed one third Part for his Trouble; and in case of Refusal to pay the said Fine, then the said Vestryman to be committed to the common Gaol by the said Warrant, until he shall pay the same.

Penalty on
Persons refusing
to serve
as Vestrymen
or Church-wardens,

XVIII. AND be it further enacted by the Authority aforesaid, That whatsoever Person shall duly be elected either for Vestrymen or Church-wardens, and shall refuse to serve in the said Capacity, he or they so refusing shall forfeit the Sum of Twelve Pounds current Money of this Island; to be recovered by the Church-wardens, in an Action of Debt in any Court of Record in this Island, which shall be for defraying of the publick Charge of the said Parish, wherein no Essoign, Protection, or Wager of Law shall be allowed of.

and on Inhabitants
refusing to make
a Return of
their Stock,
&c. when
required.

XIX. AND be it further enacted by the Authority aforesaid, That any Inhabitant in any Parish neglecting or refusing, when thereto required by any Justice of the Peace, to make a due Return upon Oath, according to the best of his Knowledge, of the Number of Slaves, or Quantity of Land by them possessed, by Direction of any Vestry, for paying any Parish Levy; such Inhabitant so neglecting or refusing shall forfeit for each Refusal or Neglect, the Sum of Ten Pounds current Money; to be levied by Warrant under the Hand and Seal of the said Justice, directed to the Provost-marshal, or his Deputy, in Manner as herein before directed.

Persons sued,
may plead the
General Issue.

XX. AND be it, and it is hereby further enacted by the Authority aforesaid, That all and every Officer and Officers, his and their Deputy or Deputies, Agents and Servants, and his and their Executors and Administrators, who shall be prosecuted at Law in any of His Majesty's Courts in this Island, for doing or executing any Duty, Matter, or Thing required by this Act to be by him or them done or executed; shall and may have Liberty in such Case to plead the General Issue, and give this Act and the special Matter in Evidence, and

the Judges of the said Courts in this Island are hereby enjoined and required to admit the same.

XXI. AND be it further enacted by the Authority aforesaid, That every Minister in this Island shall duly enter into the bound Book to be delivered to them, as aforesaid, all Christnings, Marriages, and Funerals which shall happen in his respective Parish; for which he may lawfully demand a Fee of One Shilling and six Pence, and no more; on pain of forfeiting for each Neglect of such Entry the Sum of Five Pounds; to be deducted out of the Salary due to the Minister so neglecting, by the Churchwardens of his Parish, and applied to the Use of the Poor of the same Parish.

1727.
Register of
Christnings,
&c. to be
kept in every
Parish.



An Act to enable the several Parts of this Island, formerly belonging to the French, to choose and send Representatives to serve in the Assemblies of this Island; to declare and ascertain the Number of Representatives for the whole Island, what Number each Parish shall elect, and the several Qualifications of the Electors and Candidates; to secure the Freedom of Elections: And for repealing an Act of this Island (dated the thirteenth Day of November, One thousand seven hundred and eleven) intituled, An Act for preserving the Freedom of Elections, and appointing who shall be deemed Freeholders, and be capable of electing, or being elected Representatives.

WHEREAS, by Conquest of that Part of this Island formerly in Possession of the Subjects of the French King, and the Cession thereof to the Crown of Great Britain by the Treaty of Peace and Friendship between our late Sovereign Lady Queen Anne, and Lewis the Fourteenth, the late Most Christian King, concluded at Utrecht on or about the thirty first Day of March, in the Year of our Lord One thousand seven hundred and thirteen, *Old Style*, this whole Island became a Domain of the Imperial Crown of Great Britain: And whereas His Majesty's Subjects, now inhabiting the late French Part of this Island, are equal, if not superior to the Inhabitants of the English Part, both in Number and Property, and yield a greater Revenue to His Majesty, and contribute more largely to the Taxes, and other publick Expences of this Island; it is therefore but just and reasonable that they should have a Share in the Legislature of the Island, and the Privilege of choosing an equal Number of Representatives in the Assembly: And His late Majesty King George the First having been pleased, by His Commission, dated at St. James's the fourth Day of June, One thousand seven hundred and twenty six, to declare His Resolution for the final Disposal of the said Parts of this Island, late belonging to the French; therefore we, Your Majesty's most dutiful and loyal Subjects,

1727.

Act relating
to Elections,
repealed.Assemblies to
consist of 24
Members.Representa-
tives how to
be chosen.Bounds of the
several Towns
ascertained.

the Commander in chief of all Your Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of this Your Island of St. Christopher, do most humbly pray that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, and by and with the Advice and Consent of the Commander in chief, the Council and Assembly aforesaid, and by the Authority of the same, That after the Expiration or Dissolution of this present Assembly, an Act of this Island, intituled, *An Act for preserving the Freedom of Elections; and appointing who shall be deemed Freeholders, and be capable of electing, or being elected Representatives* (dated the thirteenth Day of November, Anno Domini, One thousand seven hundred and eleven) is, and stands hereby repealed and annulled.

II. AND be it enacted by the Authority aforesaid, That all future Assemblies of this Island shall consist of four and twenty Representatives, fifteen of which at least shall be deemed a House to do Business.

III. AND whereas by an Act of this Island (dated the twelfth Day of December, One thousand seven hundred and twenty seven) intituled, *An Act for regulating Vestries, and for erecting into Parishes those Parts of this Island formerly belonging to the French King; for annexing other Parts of the said French Lands to the Parishes of St. Mary Cayon, St. John Cabesterre, St. Anne Sandy Point, and Trinity Palmeto Point: And for repealing two Acts of this Island* (one made in the tenth Year of Her late Majesty's Reign, and the other in the ninth Year of the Reign of His late Majesty King George the First) for regulating Vestries in this Island, and for ascertaining the Bounds of every respective Parish in this Island, the whole Island is divided into Parishes, and the Bounds of the same are respectively ascertained: Be it enacted, That the said four and twenty Representatives shall be sent and chosen as follows; that is to say, The Electors of the Parish of St. George Basseterre, or the major Part of them, shall and may choose and send four Representatives; the Electors of the Parish of St. Peter Basseterre, or the major Part of them, shall and may choose and send two Representatives; the Electors of the Parish of St. Mary Cayon, or the major Part of them, shall and may choose and send three Representatives; the Electors of the Parish of Christ Church Nichola Town, or the major Part of them, shall and may choose and send two Representatives; the Electors of the Parish of St. John Cabesterre, or the major Part of them, shall and may choose and send three Representatives; the Electors of the Parish of St. Paul Cabesterre, or the major Part of them, shall and may choose and send two Representatives; the Electors of the Parish of St. Anne Sandy Point, or the major Part of them, shall and may choose and send three Representatives; the Electors of the Parish of St. Thomas Middle Island, or the major Part of them, shall and may choose and send two Representatives; and the Electors of the Parish of Trinity Palmeto Point, or the major Part of them, shall and may choose and send three Representatives.

IV. AND be it further enacted by the Authority aforesaid, That the Bounds of the several Towns of this Island are hereby ascertained, and shall be as follows; that is to say, The Town of Basseterre shall be bounded to the East, with the Ditch of the old French Fort, and Lands already sold by the said Commissioners to Jane and Archibald Hamin, and Mr. Richard Hawkshaw; to the Northward, with Lands already sold by the said Commissioners to the Reverend William Audenon, and the said Richard Hawkshaw; to the West, with the College Gut or Wash, from the Land late in Possession of John Cade, now at present in Possession of the said Richard Hawkshaw, till it falls into the Sea; and to the South, with the Sea: The Town of Old Road bounded to the East, with the Windwardmost River; to the North, with the Plantation belonging to the Heirs of Colonel Charles Mathew deceased; to the West, with the Leewardmost River; and to the South, with the Sea: The Town of Sandy Point bounded to the East, with the Eastwardmost Bounds of the Lands late

late in Possession of Mrs. *Susanna Vanbell* deceased, and so running in a straight Line to the Sea; to the *North*, with the upper common Path; to the *West*, with the Gutt at the Foot of *Crab-bill*; and to the *South*, with the Sea.

V. AND be it further enacted by the Authority aforesaid, That every white Man professing the Christian Religion, being a free and natural-born Subject of the Crown of *Great Britain*, or naturalized, or made a Denizen, and being a Protestant, having attained to the Age of one and twenty Years; that is to say, Who is actually seized or possessed of ten Acres of Land in Fee-simple or Fee-tail, for Term of his own Life, or Term of another's, or by or under any Contract or Contracts with the Commissioners aforesaid, within any Parish of this Island, or of any Land in any of the said Towns in this Island, having a House, Store-house, or other Buildings erected thereon, the clear yearly Value of ten Pounds *per Annum* at the least, which Value shall be proved by the Oath of two credible Witnesses, or by some Lease produced and proved by the Oath of one of the Witnesses to the same, or the Oath of the Lessee, if there present, shall be Electors, and are hereby declared capable of voting for, and electing Representatives; that is to say, The Possessors of Land or Buildings, as aforesaid, for the respective Parish or Parishes where such Qualifications are situate.

VI. AND be it further enacted by the Authority aforesaid, That if it shall happen there shall be two or more Joint-tenants, or Tenants in common, of a Parcel or certain Quantity of Land in any Parish of this Island, which Parcel of Land contains as many ten Acres, or more, as there are Joint-tenants, or Tenants in common, or which House or Houses, or other Buildings, shall be worth as many ten Pounds currency of this Island *per Annum*, as there are Joint-tenants, or Tenants in common, shall be deemed Electors, qualified to elect Representatives, to all Intents, Constructions, and Purposes of this Act whatsoever: And no Person or Persons, who shall not have for his Share ten Acres of Land, or in such House, Houses, or other Buildings, to the Value of ten Pounds *per Annum*, shall be esteemed a Freeholder or Voter, to any Construction or Purpose of this Act whatsoever.

VII. AND be it further enacted by the Authority aforesaid, That all and every Person, who at any Election shall be set up as a Candidate, or tender himself as a Voter, shall, if thereunto required by the Person taking the Poll, or any other Elector or Freeholder, answer on Oath (which the Person taking the Poll is hereby impowered and required to administer) to all such Questions touching his Freehold or Qualifications as shall be demanded of him by the Person taking the Poll, or any Freeholder or Elector present; and any Person refusing so to do, shall be, and is hereby declared incapable and disqualified for that Time of electing, or being elected: And also, every such Person offering himself as a Voter, or named as a Candidate, who had never voted before in that Parish, shall produce the next last Deed, Instrument, Conveyance, or Will, by which his Qualifications are derived or claimed, or an authentick or Office-copy of the same; except such Persons who are hereby qualified to elect and be elected by virtue of Contracts with the said Commissioners, who shall produce a Certificate of the Contract or Contracts, under which any Qualification is claimed by them, under the Hand of one of the said Commissioners, or by the Oath of the said Person; and any such Person refusing so, as aforesaid, to prove his Freehold or Qualification respectively, shall be deemed incapable to vote, and incapable of being elected.

VIII. AND be it further enacted by the Authority aforesaid, That no Person whatsoever at any Election of Representatives, shall be deemed a Freeholder, or qualified to elect, or be elected a Representative, who shall produce any Will, Bill of Sale, or other Conveyance of Lands, or other Estate, whereby he claims to be a Freeholder, in order to prove his Freehold or Qualification, unless the same be acknowledged or proved before the Governor for the

1727.

Qualifications of Electors.

Clause relating to Joint-tenants.

Candidates and Electors to be sworn, if required.

Titles to Estates to be proved before the Date of the Writ for electing Members;

1729
 and Oath to be made, that the Person is in actual Possession, &c.

the Time being, or some Justice of the Court of Common-pleas of this Island, and duly recorded, preceeding the Date of the Writ or Writs for electing Assemblymen; and who shall not, with the Person who sold and conveyed the said Freehold, provided the said Person be then and there present, make Oath before the Person, to whom the Writ of electing Representatives is directed (who is hereby authorized and required to administer the same, if any Voter or Candidate present require it, or he himself shall think meet) That such Deed or Deeds so produced by him, is and are, *bona fide*, a real and absolute Deed or Deeds, according to the Purport thereof, without Covin or Fraud, and not made or executed unto him under Colour only, to make him capable to choose or be chosen a Representative; and that he is in actual Possession of the said Land, House, or other Buildings, and receives to his own Use all the Profits thereof, and is under no Promise or Obligation whatsoever to give up or surrender the said Deed or Deeds, or the Lands or Tenements in the said Deed or Deeds sold or conveyed at any Time after he shall have voted or been elected; except nevertheless, such Person or Persons who claim to be Freeholders by any Deed or Deeds executed in *Great Britain* or *Ireland*, or other Foreign Part, provided the same be recorded in the Secretary's or Register's Office in this Island; except such also, who claim by any last Will and Testament duly proved and recorded in the Secretary's or Register's Office of this Island: And the said Person to whom the Writ is directed, is further hereby impowered and required to ask such other Questions upon Oath, concerning the Freehold and Qualification of any Person offering to elect, or standing to be elected, of him or of the Person who sold and conveyed the Freehold, or other Qualification, as to him shall seem meet, or shall be required by any Voter or Candidate present.

Persons refusing to take the said Oath, debarred from voting, &c.

IX. AND be it further enacted, That if any Person offering to elect, or standing to be elected, shall refuse to take such Oath, or to answer such Questions, as aforesaid, the said Person so refusing shall absolutely be debarred from giving his Vote for electing, and from being elected a Representative for that Time.

Writs to whom to be directed.

X. AND be it further enacted by the Authority aforesaid, That all Writs for Elections of Assemblymen, shall be issued by the Governor, or Commander in chief for the Time being, by and with the Consent of the Council, in the usual Form, and directed to the several Members of His Majesty's Council of this Island: And the Writs for taking the Votes at such Elections, shall be issued and directed as follows: The Writs for choosing Representatives for the Parish of *St. George Basseterre*, shall be granted and directed to the President of the Council of this Island for the Time being, or next eldest Counsellor, who shall be then residing in this Island, and so successively; the Writs for each Parish as they are named in this Act, shall be directed to each next Counsellor then residing in this Island; and in case of the Absence, Sickness, or other Disability of any of the said Counsellors, that there be not nine Counsellors residing in this Island who shall be able to attend the said Elections, then a second Writ shall be severally directed on the aforementioned Order, to as many of the eldest Counsellors as will be sufficient to take the remaining Elections; and that all such Writs shall be issued forth at least seven Days before the first Day of Election; and that the Electors residing in each respective Parish, shall have three Days Notice before each respective Election Day, and that each and every Member of the Council, to whom the Writs are directed for taking the Poll for electing Representatives, shall attend the Lieutenant-governor, or President of the Council for the Time being, some time before the Day of Election, and shall make Oath before him, which he is hereby directed to administer, That he will make a true and just Return of the Representatives chosen for the Parish or Parishes, of which he is directed to take the Poll, according to the Rules and Limitations prescribed in this Act,

Returning Officers to be sworn.

to

to the best of his Conscience and Judgement: And for the more effectual preventing Disputes or Mistakes in taking the Votes, the respective Persons to whom the Writs shall be directed, shall, in Paper of Columns, set down the Names of the several Candidates proposed to be voted for, and shall cause each Voter, or some Person for him, to subscribe his Name under the Persons Names voted for; which Paper of Votes shall be delivered to the Representatives at their first meeting as an Assembly.

XI. AND be it further enacted by the Authority aforesaid, That every white Man professing the Christian Religion, being a free and natural-born Subject of the Crown of *Great Britain*, or naturalized, or made a Denizen, who has attained to the Age of one and twenty Years, and is actually seized or possessed of forty Acres of Land, or a House or Houses in any Town of this Island, of the Value of forty Pounds *per Annum*, in Fee-simple or Fee-tail, for Term of his own Life, or Term of another's, or by or under a Contract with the Commissioners, as aforesaid, within any Parish of this Island, or the Son or Heir apparent of a Person possessed of eighty Acres, or a House or Houses of eighty Pounds *per Annum*, shall be deemed capable of being elected a Representative to serve in the Assembly of this Island, and no other Person whatsoever, not being so qualified, as aforesaid.

XII. AND be it further enacted by the Authority aforesaid, That hereafter no Chief Justice of the Court of King's-bench and Common-pleas, or Chief Baron of the Exchequer; no Secretary, or his Deputy; no Provost-marshal, or his Deputy; no Treasurer, or other Officer concerned or employed in the collecting, levying, or managing the Taxes, Subsidies, and Duties to be hereafter raised, levied, or imposed by this, or any subsequent Assembly of this Island, shall be capable of sitting, voting, or acting as a Member of the Assembly of this Island: And none of the Officers aforesaid shall, by Word, Message, or Writing, or in any other Manner endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Representative in the Assembly of this Island; and every of the said Officers offending therein, shall forfeit the Sum of One hundred Pounds; one Moiety to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed; to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record in this Island, in which no Essoign, Protection, or Wager of Law, or more than one Imparance shall be allowed: And if any Person disabled, or declared by this Act incapable to be elected, or to sit and vote as a Member of the Assembly, shall presume to sit and vote in that House; such Person so sitting and voting, shall forfeit the Sum of One hundred Pounds; to be recovered by such Person as shall sue for the same, by Action of Debt, Bill, Complaint, or Information, as aforesaid.

XIII. AND be it further enacted by the Authority aforesaid, That upon calling an Assembly, no two Divisions or Parishes shall choose or elect Representatives in one and the same Day; but that the Elections shall begin at the Parish of *St. George Basseterre* between the Hours of eight and nine in the Forenoon, and shall continue without Interruption till the Votes shall be shut up and finished, which shall not be before the Hour of twelve at Noon at soonest; and so the Electors of the Parishes of *St. Peter Basseterre*, *St. Mary Cayon*, *Christ Church Nichola Town*, *St. John Cabesterre*, *St. Paul Cabesterre*, *St. Anne Sandy Point*, *St. Thomas Middle Island*, and *Trinity Palmeto Point*, shall successively, Day after Day (*Sundays* excepted) and at the Hours aforesaid, convene at some convenient Place within their respective Parishes, to elect Representatives for the same in the Assembly of this Island, as aforesaid.

XIV. AND be it further enacted by the Authority aforesaid, That whosoever has a sufficient Qualification to be elected a Representative, as aforesaid, in any one Parish of this Island, may be elected to serve as a Representative

1727.

Qualifications
of Represen-
tatives.Persons inca-
pable of be-
ing Members.No 2 Parishes
to elect Re-
presentatives
the same Day.Persons qua-
lified to repre-
sent one Parish
may be chosen
for another.

1727.
Persons elect-
ed refusing to
take the Oaths,
&c. incapa-
citated.

for any other Parish, although not actually qualified, as aforesaid, within the same: And if any Person returned a Representative, shall refuse to take the Oaths of Parliament, and subscribe the Declaration likewise appointed by Act of Parliament, which Oaths and Declarations are also required by His Majesty, in His Commission to His Chief Governor, to be taken and subscribed by every Person chosen to serve in the Assembly of this Island; the Person refusing to take and subscribe the said Oaths and Declarations, is declared hereby incapable of electing, or being elected a Member to serve in the Assembly of this Island; which Oaths and Subscription the Officer taking the Votes at any Election of Members to serve in the Assembly, at the Request of any one of the Candidates or Voters, is hereby impowered and required to administer: And in case any Member of the Assembly die, or is absent from this Island for upwards of sixty Days, without Leave of the House, then the Chief Governor, or Commander in chief for the Time being, with the Advice and Consent of the Council, shall, within twenty Days after such Refusal, Death, or Absence, as aforesaid, issue forth a new Writ, as before in this Act is appointed, for choosing another Person to serve in that Assembly, in the Place of such Member so refusing, dead, or absent, as aforesaid.

Penalty on
Persons vio-
lating the
Freedom of
Elections.

XV. AND be it further enacted by the Authority aforesaid, That if any Person should presume to violate the Freedom of Elections, by any false Returns, Menaces, or Threats, or endeavour to force any Elector or Voter to vote for any Person or Persons against his own Inclination and Conscience, either by calling the Inhabitants into Arms, by making pretended Freeholders, only for the Purpose of electing, or being elected; or hire, or, by any other indirect Ways, procure any Vote; or who, after the Election is over, shall menace, despitefully use, or abuse any Freeholder, because he has not voted as he would have had him; or if any Military Officer, or Civil Magistrate shall, by virtue of his Power and Office, endeavour or attempt to over-awe or affright any Freeholder to vote contrary to his own Conscience and Inclination, the Person or Persons offending in any of the aforesaid Instances, shall forfeit the Sum of One hundred Pounds; one Moiety to the Informer, the other Moiety to be paid to the Treasurer of this Island, for the Use of His Majesty's Fortifications; to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in this Island, in which no Essoign, Protection, or Wager of Law, or more than one Imparllance shall be allowed.

Assemblies
not to conti-
nue above a
Year.

XVI. AND to prevent perpetuating Assemblies, and the Inconveniencies that may arise thereby; be it further enacted by the Authority aforesaid, That this present Assembly, or any future Assembly to be held within this Island, shall be, and continue no longer than one whole Year from the Time of their first meeting as an Assembly, on any Colour, Suggestion, or Pretence whatsoever.

Disputes a-
bout Elections,
how to be de-
termined.

XVII. AND in case any Differences or Disputes shall happen to arise about the Elections or Qualifications of Representatives; be it further enacted by the Authority aforesaid, That for the future, the Truth and Legality of Elections and Qualifications of any Member or Members chosen to serve in the Assembly of this Island, shall be tried only by the Representatives themselves; and the Members of the Assembly shall, by Plurality of Voices, decide all such Disputes and controverted Elections, according to the Rights and Privileges of the Representatives of the Honourable House of Commons in Great Britain, so far as the same shall be consistent with the Qualifications and other Matters herein before enacted; and that no Practice or Proceeding to the contrary hereof had or done, shall be drawn into Example or Precedent, to the Prejudice of the People of this Island.

1727.

An Act for repealing an Act of this Island, intituled, An Act for the settling the Sum of Two thousand Pounds per Annum, of current Money of the Island of St. Christopher, during the Term therein mentioned, upon his Excellency John Hart Esquire, the present Chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of the said Governor, and the Dignity of His Majesty's Government; and for appropriating the Monies payable thereby to his said Excellency, from the twenty fifth Day of June, One thousand seven hundred and twenty seven: And for declaring in what Specie the Duty commonly called the Three Shilling Duty, shall be hereafter paid. No 72.
Expired.

An Act for laying of certain Duties upon Sugars, Molosses, and other Goods of the Growth and Manufacture of the Island of St. Christopher, to be exported out of the said Island. 1728.
No 73.
Expired.

An Act for the settling the Sum of Two thousand Pounds per Annum, of current Money of the Island of St. Christopher, during the Term therein mentioned, upon his Excellency the Right Honourable Thomas Earl of Londonderry, the present Chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of the said Governor, and the Dignity of this His Majesty's Government. No 74.
Expired.

An

1728.

No 75.
Expired.

An Act for supplying a Defect in an Act passed in this present Year of His Majesty's Reign, intituled, An Act for laying of certain Duties upon Sugars, Molosses, and other Goods of the Growth and Manufacture of the Island of St. Christopher, to be exported out of the said Island.

No 76.

An Act for raising a Tax on Negroes by the Poll, for and towards the erecting a Court-house, or publick Hall, and other necessary Offices, in the Town of Basseterre, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their Offices there, and give a due Attendance: And for repealing an Act made in the tenth Year of the Reign of His late Majesty King George the First, intituled, An Act for building a Court-house, or publick Hall, Secretary's, and other Offices, at the Town of Old Road, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their respective Offices in the said Town.

FORASMUCH as nothing can be more for the Honour of a Government, or has a greater Tendency to promote the Prosperity, Peace, and Welfare of a People, than that Justice should be duly, fitly, and decently administred: And whereas, notwithstanding it has been provided and enacted by an Act made in this Island, in the tenth Year of the Reign of His late Majesty King George the first, intituled, *An Act for building a Court-house, or publick Hall, Secretary's, and other Offices, at the Town of Old Road, in the Island of St. Christopher; and to oblige the Secretary, and other Officers, to keep their respective Offices in the said Town,* That a publick Hall, or Court-house, should be built, as well for the Courts of Justice, as for the Council and Assembly to meet and sit in; yet, as by the same Act the said Court-house was directed to be built at the Town of Old Road, it has proved of no Effect, by reason it is apparent, that the said Town is too small for the Reception of such a Number of Persons, as are usually engaged in Attendance upon the Courts of Justice, and cannot provide fit and necessary Accommodation and Entertainment for them: And whereas the Town of Basseterre is become the most opulent and best inhabited Town in this Island, and the chief Place of Trade and Business in it, and is like to be still more enlarged, by the Sale and Disposal of the late French Part of this Island, and will therefore be the most proper and convenient Place for such a Building to be erected in: We therefore, Your Majesty's most dutiful and loyal Subjects, the Council and Assembly of St.

St. Christopher's, being willing that so necessary and laudable a Work should not be any longer delayed, and desirous, as much as in us lies, to consult the Ease and Convenience of Your good Subjects in this Island, do humbly pray Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Chief Governor of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of St. Christopher's, That the said Act shall be, and is hereby in all Things repealed, annulled, and made void: And that a Court-house, or publick Hall, of sixty Feet in Length, and forty Feet in Breadth, shall be forthwith erected in the aforesaid Town of Basseterre; the Walls whereof shall be built with Brick, except the Foundation, which shall be built with Stone; and the said Walls shall be three Feet thick in the Foundation, and two Feet thick through the Residue of the Building, and twenty two Feet high; and in which said Building there shall be provided and appointed proper and convenient Rooms and Appartments for the Council and Assembly to meet in, and for the Secretary, Register, and Marshal, to keep their respective Offices in, and all Books, Papers, and Records relating thereto.

1728.

A Court-house to be built at Basseterre.

II. AND be it further enacted by the Authority aforesaid, That Your Majesty's Courts of King's-bench, Common-pleas, and Exchequer in this Island, shall at all times hereafter sit and be held at the said Town of Basseterre, and in the publick Court-hall, as soon as the same shall be finished and built, and not elsewhere; and that when the same shall be built, the said Secretary, Register, and Marshal, shall then keep their respective Offices there, and all Books, Papers, and Records relating thereto, upon pain of forfeiting the Sum of Five hundred Pounds, in case they, or any of them shall neglect or refuse so to do, within a convenient Time after Notice shall be given them by the Chief Governor, or, in case of his Absence, by the Lieutenant-governor, or President of the Council of this Island for the Time being, of such Appartments being finished, and respectively appointed for them.

Courts of Justice, and other publick Offices, to be kept there, and no where else.

III. AND be it, and it is hereby further enacted by the Authority aforesaid, That the said Secretary, Register, and Marshal, shall, by themselves, or their lawful Deputies, or by good, able, and sufficient Clerks, by them to be provided for that Purpose, give due and punctual Attendance in their said Offices respectively on every Day in the Year (*Sundays* and Holy-days only excepted) from the Hour of Eight in the Morning, till Twelve at Noon, and from the Hour of Three in the Afternoon, till the Hour of Six at Night, upon pain of forfeiting the Sum of Ten Pounds for every Neglect.

Time of Secretary and Register's Attendance.

IV. AND for the raising a Fund sufficient for the carrying on and finishing the said Building, and for the purchasing of Land in the said Town of Basseterre, convenient for the same; be it, and it is hereby further enacted by the Authority aforesaid, That there shall be levied, collected, and paid unto Your Majesty, Your Heirs and Successors, a Tax, or Duty of three Shillings per Poll, for every Negro, Mulatto, or Indian Slave within this Island; which said Tax or Duty shall be paid by the respective Owners of such Slaves, at such Times, and in such Manner as is herein after mentioned; that is to say, One Shilling per Poll, Part thereof, at or upon the twenty fifth Day of *March*, which shall be in the Year of our Lord One thousand seven hundred and thirty; one Shilling more per Poll, other Part thereof, at or upon the twenty fifth Day of *March*, which shall be in the Year of our Lord One thousand seven hundred and thirty one; and one Shilling per Poll, Residue thereof, at or upon the twenty fifth Day of *March*, which shall be in the Year of our Lord One thousand seven hundred and thirty two; to be employed in, and applied to the building such Court-house, or publick Hall, and other Offices, as aforesaid, and to no other Use, Intent, or Purpose whatsoever.

Fund for building the Court-house, how to be raised.

1728.

Owners, &c.
to deliver in
a List of their
Slaves upon
Oath.

Penalty on
Refusal.

Treasurer to
collect the
Taxes imposed
by this Act,

and on De-
fault of Pay-
ment, may
distrain, &c.

Tax to be
paid in Sugar.

V. AND to the end that a just Account may be had and taken of all and every the Slaves in the aforesaid Island; be it, and it is hereby further enacted by the Authority aforesaid, That all and every the Owners, Possessors, and Renters of Slaves; and, in case of the Absence of such Owners or Possessors, the Managers or Overseers of such Slaves shall, within a Month before each Time of Payment, deliver in unto the Church-wardens in each respective Parish wherein they reside; and in case it should so happen, that there should be any Parish which shall at that Time be without Church-wardens, then to the next Justice of the Peace (who are hereby authorized, required, and appointed to receive and take, and likewise to return and deliver the same unto the Treasurer of the said Island for the Time being, within ten Days next after the taking thereof) a true and exact List upon Oath, at such Time and Place as the said Church-wardens, by their several Precepts (to be directed to the Constables within their respective Parishes, who are hereby required to give Notice thereof to the several Inhabitants within the same) shall for that Purpose appoint, of all and every the Slaves owned or possessed by such Owner, Possessor, or Renter, or in the Management, Care, or Overseering of such Manager or Overseer at the Time of the Delivery of such List; which Oath the said Church-wardens, or Justices of the Peace, and every of them, are and is hereby impowered, authorized, and required to administer: And if any such Owner, Possessor, or Renter, Manager, or Overseer, shall neglect or refuse to deliver in such List upon Oath, as aforesaid; such Person or Persons so neglecting the same, shall forfeit and pay the Sum of Ten Pounds for every such Neglect.

VI. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Treasurer of the said Island for the Time being, and he is hereby impowered and authorized to demand, collect, and receive the several Rates and Taxes beforementioned in Manner aforesaid, by this Act laid and imposed: And if any Person or Persons, upon reasonable Request to be made by the said Treasurer, his Agent, or Deputy, shall refuse or neglect to pay the said Rates and Taxes as the same shall become due, then the Provost-marshal, or his Deputy, is hereby authorized and required, on receipt of a Warrant under the Hand and Seal of the said Treasurer, to him the said Marshal, or his Deputy, for that Purpose to be directed, forthwith to distrain on the Goods and Chattels of such Person or Persons, as aforesaid, sufficient to satisfy and pay whatsoever shall be due from such Person or Persons, for, or upon Account of the Rates and Taxes so imposed, as aforesaid, together with all Charges attending the same; which said Goods and Chattels shall in six Days time be sold by the said Marshal, or his Deputy, rendering the Overplus, if any shall be, to the Owner: Provided always, That such Sale be made by the Marshal, or his Deputy, publickly in the Town next to the Place where such Distress shall be made (*Palmeto Point Town* only excepted) and in the Presence of six Persons at the least; and if such Person or Persons hath or have not any such Goods or Chattels sufficient to pay the Rates, Taxes, and Impositions wherewith they, or any of them, shall be chargeable, or which they, or any of them, ought to pay by virtue of this Act; then the said Marshal, or his Deputy, shall take into his Custody the Body or Bodies of such Person or Persons, and them in the common Gaol of the said Island safely detain and keep, without Bail or Mainprize, until he, she, or they shall have paid the same, and every Part thereof.

VII. AND be it further enacted by the Authority aforesaid, That the said Tax so hereby laid and imposed, shall and may be paid, and the Treasurer of the said Island is hereby directed to receive the same, in merchantable *Muscovado* Sugar, at such Price and Prices, as such merchantable Sugar shall generally be received and paid in the said Island during the Continuance of this Act: And that all Sugars which shall be paid by the said Treasurer out of the

the said Tax, shall be paid by him at the Price and Prices he shall so receive the same, and at no more; and that the Treasurer for the Time being shall and may have and take to his own Use and Behoof out of the said Tax, the Quantity of five Pounds of *Muscovado* Sugar, for every hundred Pounds which shall be raised by virtue of this Act.

1728.

VIII. PROVIDED always, That it shall and may be lawful to and for the Captain-general, and Governor in chief of the said Leeward Islands, and, in his Absence, for the Lieutenant-governor, and, in his Absence, for the President of the Council, and the Council and Assembly of the said Island for the Time being, to exempt from the Payment of the Taxes in and by this Act laid and imposed, and every Part thereof, all such poor Persons as they shall conceive to be unable to bear the Burthen thereof; and all and every the Persons which the said Captain-general, and, in his Absence, the said Lieutenant-governor, and, in his Absence, the said President, and the Council and Assembly, shall think fit to exempt from paying the said Tax, are, and every of them is hereby, to all Intents and Purposes, acquitted, exonerated, and discharged of and from the Payment of the said Taxes, and every or any Part thereof; any thing in this Act contained to the contrary in any wise notwithstanding.

Governor, &c. may exempt poor Persons from paying.

IX. AND be it further enacted by the Authority aforesaid, That every Church-warden, Justice of the Peace, and Constable, who shall refuse or neglect to do and perform the Duties enjoined and required of him and them in and by this Act, shall forfeit and pay (that is to say) every Church-warden, and Justice of the Peace, the Sum of One hundred Pounds; and every Constable, the Sum of Ten Pounds, for every such Offence: And that one Moiety of all and every the Penalties and Sums of Money herein before appointed to be forfeited, shall be forfeited unto the King's Majesty, to be applied in and towards the building and keeping the said Court-house in repair; and the other Moiety unto such Person or Persons as shall and will sue for the same; and shall and may be sued for in any Court of Record in this Island, and recovered by Action of Debt, Bill, Plea, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law shall be allowed, nor any more than one Imparllance.

Penalty on Church-wardens, &c. neglecting their Duty.

X. AND to the intent that all Monies to be lent to Your Majesty upon the Credit of this Act by any Person or Persons whatsoever, may be well and sufficiently secured out of the Monies or Sugars arising, and payable thereby; be it further enacted by the Authority aforesaid, That there shall be provided and kept in the Office of the Treasurer of this Island, by the Treasurer for the Time being, a Book of Registry of all Orders to be made and signed by the Chief Governor, or, in his Absence, by the Lieutenant-governor, or President in Council for the Time being, for Payment of all such Sums of Money as shall be lent and furnished to Your Majesty upon the Credit of this present Act; as likewise for all other Orders made and signed, as aforesaid, for the Payment or issuing of any Monies or Sugars arising, or payable by this Act to any Person or Persons whatsoever, to the Uses and Purposes herein beforementioned and intended; and that no Monies or Sugars arising by this Act, or furnished upon the Credit thereof, be issued out of the said Treasury, but by such Order, mentioning, that the Monies or Sugars payable by the same, are for the Charge and Expence of erecting and building such Court-house, or publick Hall, as aforesaid, or for the Charge of collecting and bringing in of the Monies or Sugars arising by this Act; and that all the Orders beforementioned shall be registered in Course, according to their respective Dates, so as that the Person, his Executors, Administrators, or Assigns, who shall have his Order or Orders first entred in the said Book of Registry, shall be taken and accounted as the first Person to be paid out of the Monies or Sugars to come in by virtue of this Act; and he or they who shall have his or their Order or Orders next entred, shall be taken and accounted the second Person to be

A Registry to be kept of all Orders for Payment of Money lent on Credit of this Act.

To be registered in Course.

1728.
No undue
Preference.

be paid, and so successively, and in Course; and that the Monies or Sugars to come in by this Act, shall be in the same Order liable to the Satisfaction of the said respective Parties, their Executors, Administrators, or Assigns, successively, without Preference of one before the other, and not otherwise, and not be divertible to any other Use, Intent, or Purpose, upon any Account or Reason whatsoever.

Treasurer to
contract for
Lands to build
the said Court-
house upon.

XI. AND to the end that fit and convenient Lands may be purchased in the said Town of *Basseterre*, or near to the same, for the erecting such Building upon, as aforesaid; be it further enacted by the Authority aforesaid, That the Treasurer of the said Island for the Time being shall and may, and is hereby authorized and impowered to contract and agree in his own Name with the Commissioners appointed by His Majesty, for the Sale of the late *French* Lands in this Island, for the Purchase of the absolute Fee-simple and Inheritance of any such Lot or Parcel of Land in the said Town of *Basseterre*, or near the same, for the Purpose aforesaid, as shall be approved by the Chief Governor, or Commander in chief of Your Majesty's said Leeward Carribbee Islands in *America* for the Time being, so as the Money to be paid, or agreed to be paid for such Purchase, do not exceed the Sum of one hundred Pounds Sterling; which said Sum of one hundred Pounds shall be paid by the Treasurer of this Island for the Time being, out of the first Monies that shall come in by virtue of this Act, unless it shall be thought fit by Your Majesty to release the Payment thereof, and to acquit and discharge the said Treasurer, his Heirs, Executors, and Administrators, therefrom: And that when, and as soon as the said Treasurer shall have contracted and agreed for such Lands, or as soon as the Fee-simple thereof shall, by any Grant, Patent, or other Conveyance, be conveyed to him, he the said Treasurer shall, by some Deed or Instrument in Writing under his Hand and Seal, declare, that such Lands so by him purchased, were purchased in Trust for His Majesty, and by virtue of this Act, and to the Intent that such Court-house, or publick Hall, as aforesaid, might be built thereupon; and that the Monies paid, and agreed to be paid for the Purchase thereof, were not the proper Monies of him the said Treasurer, but was paid out of the Monies arising by this Act; and that he the said Treasurer shall and will, when thereunto required by the said Chief Governor of the said Leeward Carribbee Islands for the Time being, grant, convey, and assure all his Right, Title, and Interest therein unto His Majesty, His Heirs and Successors, for the Uses, Intents, and Purposes aforesaid.

Commander
in chief to
appoint Per-
sons to super-
vise the Build-
ing, &c.

XII. AND be it further enacted by the Authority aforesaid, That the Captain-general, or Commander in chief of the said Leeward Carribbee Islands for the Time being, shall and may from Time to Time nominate and appoint one or more Person or Persons to manage, order, direct, and supervise the building such Court-house, as aforesaid, who shall take care and provide that the same be conveniently and decently done, according to the Dimensions herein before directed; and that proper Offices be set apart therein for the said Secretary, Register, and Marshal; and who for that Purpose shall and may buy Lime, Bricks, and Timber, and other Materials, and also agree with, and employ Masons, Bricklayers, and Carpenters, and other Artificers, Workmen, and Labourers, for the carrying on and finishing the said Building.

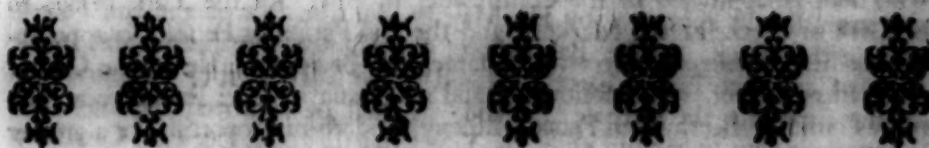
Persons sued,
may plead the
General Issue.

XIII. AND be it further enacted by the Authority aforesaid, That in every Action, Suit, Indictment, Information, or Prosecution, wherein or whereby the Treasurer, or any other Person or Persons which shall be by him appointed; or any Person or Persons who, by virtue of this Act, is, are, or shall be impowered or authorized to put the same in Execution; or any others acting in Aid of them, shall be sued, indicted, prosecuted, or molested, it shall be lawful for all and every the said Persons, their Heirs, Executors, and Administrators, to plead the General Issue, and to give this Act in Evidence, in any Court or Courts of Justice where the said Matter shall be depending; and all the

the Judges of the said Courts are hereby strictly enjoined and required to admit the same, and to acquit and indemnify them, and every of them, of and from all such Suits, Indictments, Informations, and Prosecutions, for and concerning any Matter or Thing acted or done in the due and necessary Performance and Execution of their respective Trusts and Employments therein:

1728.

XIV. PROVIDED always, and it is hereby enacted and declared, That no- thing in this Act contained shall be of any Force or Effect whatsoever, until the King's Majesty shall have signified and declared his Royal Assent thereto.



An Act for raising a Tax on Negroes, and other Slaves within this Island, and on the Value of House rents in the several Towns within the same, for building a Wall to complete Charles Fort, and for repairing the same Fort, and the other Fortifications, Forts, and Batteries of this Island.

Exp^d. 77.



An Act for establishing a Market at the Town of Basseterre, Old Road, Sandy Point, and Deep Bay, in the Island of St. Christopher; and for regulating and ascertaining the Prices of Beef, Mutton, Veal, Pork, and Turtle.

WHEREAS the establishing a Market at the Towns of *Basseterre, Old Road, Sandy Point, and Deep Bay*, for killing Bullocks, Cows, Heifers, Sheep, Calves, Hogs, and Turtle, under proper and necessary Regulations, will greatly contribute to the Advantage and Benefit of Your Majesty's Subjects, the Inhabitants of this Island: We therefore, Your Majesty's most dutiful and loyal Subjects, the Captain-general of all Your Majesty's Leeward Carribbee Islands in *America*, the Council and Assembly of this Island, pray Your Most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-general of Your Majesty's Leeward Carribbee Islands in *America*, the Council and Assembly of *St. Christopher's*, and by the

M m

Authority

1728.

A Market to
be kept at
Basseterre, &c.
3 times a
Week.

Cattle and
Meat brought
to Market, to
be delivered
to the Clerk
of the Market.

Prices of
Meat ascer-
tained.

Meat not fit
for Sale, to
be burnt.

Market to be-
gin at 7
o'Clock in
the Morning.

Authority of the same, That from and after the Date of this Act, there shall be held and kept at the said several Towns of *Basseterre, Sandy Point, Old Road, and Deep Bay*, on *Tuesdays, Thursdays, and Saturdays* in every Week, a Market for killing all *Bullocks, Cows, Heifers, Sheep, Calves, Hogs, and Turtle*, and for selling all *Beef, Mutton, Veal, Pork, or Turtle*, which shall be brought to Market to any of the said Towns, under the several Regulations, Restrictions, Penalties, and Forfeitures in this Act contained.

II. AND be it further enacted by the Authority aforesaid, That all *Bullocks, Cows, Heifers, Calves, Sheep, Hogs, or any Beef, Mutton, Veal, Pork, or Turtle*, which shall be brought to any of the Markets in any of the said Towns to be killed or sold, shall be delivered to the Person or Persons who shall be appointed by the Commander in chief for the Time being, to be Clerk or Clerks of the Market; and the said Person or Persons so appointed, are hereby obliged to receive the same, and be accountable to the Owner or Owners thereof, at the following, and no greater or lesser Prices; *viz.* For every Pound of *Beef*, seven Pence halfpenny, and so in proportion for a greater or lesser Quantity, excepting *Legs, Shins, and Necks*, which are not to exceed four Pence halfpenny *per Pound*; and for every Pound of *Mutton, Veal, or Pig-pork*, nine Pence *per Pound*; and every Pound of *Pork* exceeding ten Pounds a Quarter, seven Pence halfpenny *per Pound*, and so in proportion for a greater or lesser Quantity; and for a *Calopce of Turtle*, four Pence halfpenny *per Pound*; and all other *Turtle*, not to exceed six Pence *per Pound*: And in case any Person or Persons shall bring or send to Market, at any of the aforesaid Towns, *Beef, Mutton, Veal, Pork, or Turtle*, which is lean, poor, or not fit for Sale; the said Person or Persons appointed to be Clerk or Clerks of the Market, shall call two of the principal Inhabitants of any of the said Towns where the same shall happen to be brought, and if they find the same lean, and not fit for Use, or if they have Reason to suspect that the same has died by Accident, or otherwise, they shall certify the same to the said Clerk of the Market, and he shall cause such Meat to be burnt, and the Owner shall lose the same, and pay the Charges of surveying and burning; and such Certificate shall indemnify the Clerk of the Market against any Claim and Demand from the Owner, for or in Respect of the same.

III. AND be it further enacted by the Authority aforesaid, That the Clerk or Clerks of the Market shall attend, and the Market shall begin at Seven of the Clock in the Morning, for selling: And the Clerk in each Town shall provide a Bell, which he shall cause to be rung, to give Notice that the Market begins; and they shall not presume to sell any Meat before the said Hour of Seven in the Morning; and they the Clerk or Clerks of the Market are hereby obliged and required to sell to any Person or Persons who brings and puts down their Money first on the Stall, such Piece or Pieces as they shall demand, not exceeding thirty Pounds of *Beef*, or one Joint of *Veal, Mutton, or Pork*, or thirty Pounds of *Turtle*: Provided nevertheless, That the Captain-general, or Commander in chief, or Governor of this Island for the Time being, shall and may have such Pieces as they shall send for to the said Clerks of the Market; and for which Pieces and Quantities of *Beef, Mutton, Veal, Pork, and Turtle*, every Person and Persons having the same, are to pay for to the Clerk of the Market where the same shall be sold, or the Owner thereof, the following Rates and Prices, and no greater; *viz.* For every Pound of *Beef*, seven Pence halfpenny; for every Pound of *Veal, Mutton, and Pig-pork*, nine Pence; and for every Pound of *large Pork*, seven Pence halfpenny, and so in proportion for a greater or lesser Quantity of each; excepting, as before, *Shins, Legs, and Necks of Beef*, which are not to exceed four Pence halfpenny *per Pound*; *Calopce of Turtle*, at four Pence halfpenny, all other Parts of *Turtle* not to exceed six Pence *per Pound*; and no *Veal* to be deemed or sold as such, without the Approbation of the Clerk of the Market; And

the

the said Clerk or Clerks of the Market are hereby obliged and required to pay the Owner or Owners of such Beef, Mutton, Veal, Pork, or Turtle, as shall be brought to Market, and sold at the said several Rates and Prices before-mentioned, provided the Owner of the same does not collect the Money; and in case the said Clerk or Clerks of the Market shall make Default in paying the Owner or Owners in six Days after the same is brought to Market, and sold, upon Complaint made to any two Justices of the Peace for this Island, and Proof thereof made upon Oath, they the said Justices are hereby required to issue out their Warrant under their Hands and Seals, directed to the Provost-marshal, or his lawful Deputy, to levy on the Goods and Chattels of the said Clerk or Clerks of the Market, sufficient to pay the said Debt and Costs; and in case the said Clerk or Clerks of the Market have not Goods sufficient, then the Provost-marshal is hereby required to levy the same on the Goods and Chattels of their Securities; and they the said Clerk or Clerks of the Market are hereby obliged and required, before they enter upon the Execution of their Office, to give in sufficient Security, such as shall be approved by any two of the Justices of His Majesty's Courts of King's-bench and Common-pleas for this Island, well and truly to execute the said Office.

1728.

Clerks to give Security for the due Execution of their Office.

IV. AND be it further enacted by the Authority aforesaid, That no Person shall presume to sell any Meat in any of the aforesaid Towns, but in the open Market, and under the Regulations and Restrictions aforesaid: And any Person or Persons who shall send Meat to Market on any other than Market-days, shall be under the same Regulations and Restrictions, as on Market-days: And no Butcher, Tavern-keeper, or Victualler, shall presume to give, lend, or exchange any Meat, under the Penalty of Three Pounds current Money; but all other Persons may have that Liberty: And whoever shall sell any Meat above the Rates allowed by this Act, shall for every such Offence, upon Proof made upon Oath before any two Justices of the Peace, forfeit the like Sum of Three Pounds current Money:

No Meat to be sold, but in open Market.

V. AND be it further enacted by the Authority aforesaid, That the said Clerk or Clerks of the Market are hereby required and obliged to cause the Butchers, when there are more than one Bullock, Cow, or Heifer killed or brought to Market, to cut up a Side of one in Pieces, not exceeding six Pounds, for the Use of the poorer Sort of People; and if but one, then a Quarter to be cut up in such Pieces; and if more than two Sheep, Calves, or Hogs, then to cut up a Side, or if but one, a Quarter, for the Use of the Poor, and so in proportion to the Number of each, which shall be killed or brought to Market for Sale: Provided nevertheless, That the Clerk or Clerks of the Market shall be paid for the same at the Prices settled by this Act; and that the same is demanded, and can be taken off by the said poor People.

Pieces of 6 lb. each to be cut up, for the Use of the Poor.

VI. AND be it further enacted by the Authority aforesaid, That all fat Bulls, Cows, Heifers, Calves, Sheep, Hogs, or Turtle, imported into this Island to kill; and likewise all Gees, Ducks, Turkeys, and all Sorts of Poultry, shall be brought to the publick Market in each of the said respective Towns into which they shall be imported, and sold in three Days after they are landed or put ashore; and in case the Owner is not offered a reasonable Price for them in that Time, he may sell them any where else: And any Person or Persons who shall presume to buy privately, or otherwise than in the publick Market, upon Proof made before any two of His Majesty's Justices of the Peace, they forfeit and pay double the Value of such Stock so clandestinely or privately bought: Provided nevertheless, That any Person may send to any other Island or Place for any of the aforementioned Stock, for his own Use.

Meat and Poultry to be sold in 3 Days after imported.

VII. AND be it further enacted by the Authority aforesaid, That the Butchers shall be allowed for killing and cutting up of a Bullock, Cow, or Heifer, one Shilling for each twenty Shillings the same shall make, according to the Value;

Allowance to the Butcher for killing.

1728.

Penalty on
Butcher abus-
ing Meat.

Clerk's Fees.

Forfeitures
how to be
applied.

lue; and for every Veal and Hog, four Shillings each; and for every Sheep, Turtle, or Shoat, three Shillings; and every Person who shall send any of the aforementioned Stock to the Market to be killed, may choose his own Butcher; and whatever Butcher any Stock is sent to, is obliged to kill the same, under the Penalty of Forty Shillings: And if any Butcher shall abuse any Meat in killing, so that the same is rendered unfit for Sale, he shall forfeit and pay to the Owner what shall be adjudged the Value by two Justices of the Peace, upon Proof made before them by the Clerk or Clerks of the Market, or other sufficient Proof: And all Butchers shall be subject to such Orders as they shall receive from the Clerk or Clerks of the Market, pursuant to this Act, under the Penalty of Forty Shillings for each Refusal: And every Clerk or Clerks of the Market shall receive, and may deduct out of the Value of every Bullock, Cow, or Heifer, which shall be brought to Market, or killed there, six Shillings current Money, for his Trouble in seeing the Meat cut up, distributing it, and collecting the Money; but every Owner may, if he thinks fit, receive and collect his own Money, paying the Clerk of the Market his Fees notwithstanding: And for every Veal and Hog, the said Clerk shall be allowed two Shillings, and may deduct the same out of the Value; and for every Sheep, Shoat, or Turtle, one Shilling and six Pence; and may likewise deduct and keep in his Hand the Fees allowed the Butchers by this Act, as well as his own; and the said Clerk or Clerks of the Market are obliged immediately to pay the Butchers at the above settled Rates, for such Stock as shall be killed in the Market, provided the said Clerk or Clerks of the Market shall be appointed by the Owners to collect the Money for the same.

VIII. AND it is lastly enacted by the Authority aforesaid, That all the Forfeitures and Penalties in this Act not already applied, shall be paid the one Half to the Church-wardens, for the Use of the Poor of the Parish where the Forfeiture or Penalty is incurred; and the other Half to such Person or Persons as shall inform or sue for the same.



Exp^d 79.
Expired.

An Act to regulate the Militia of the Island of St. Christopher.

An

1731.

An Act for laying a Tax on Vintners, Victuallers, and Retailers of Wine, Rum, and Rum-punch, and other Strong-liquors; and for lessening the Number of Distillers; and for preventing and discouraging Vintners, Victuallers, and Retailers of Wine, Rum, Rum-punch, and other Strong-liquors, from harbouring, entertaining, and concealing Sailors and Servants in the Island of St. Christopher.

WHEREAS, by an Act made in the sixth Year of the Reign of His late Majesty King George the first, intituled, *An Act for laying a Tax on Vintners, Victuallers, and Retailers of Wine, Rum, and Rum-punch, and other Strong-liquors; and for lessening the Number of Distillers in the Island of St. Christopher; and to enable the Treasurer to demand and receive all Arrearages and Debts, which remain due and in Arrear from Victuallers, and Retailers of Wine, and other Strong-liquors, by virtue of a former Act of this Island*, a Duty was laid on all Vintners, Victuallers, and Retailers of Wine, Rum, Rum-punch, and other Strong-liquors; which Act is lately expired: And forasmuch as it is highly reasonable that the Payment of the said Debts should be continued; we therefore, Your Majesty's most dutiful and loyal Subjects, the Assembly of St. Christopher's, have cheerfully and unanimously given and granted unto Your Majesty, Your Heirs and Successors, the Taxes and Impositions herein after mentioned: And we do most humbly beseech Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Commander in chief of all His Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of the said Island of St Christopher, and by the Authority of the same, That no Person or Persons whatsoever, from and after the Publication of this Act (unless he or they be authorized and enabled in Manner and Form, as in this present Act is hereafter prescribed and appointed) shall sell, or utter by Retail (that is to say, by the Pint, Quart, Gallon, or by any other greater or lesser Retail Measure) any Wine, Beer, Ale, Brandy, Cyder, Arrack, Arrack-punch, Rum, Rum-punch, or other Strong-liquors, upon pain that every such Retailer of Wine, Beer, Ale, Brandy, Cyder, Arrack, Arrack-punch, or other Strong-liquors (except Rum, or Rum-punch) shall for every such Offence forfeit the Sum of Forty Pounds current Money; and that every Retailer of Rum, or Rum-punch only, shall for every such Offence forfeit the Sum of Ten Pounds of like current Money: Provided nevertheless, That this Act shall not be construed to extend to any Person or Persons who shall utter or sell any of the Liquors abovementioned by three Gallons, and upwards, at one time, and to one Person, and no less Quantity; any thing herein contained to the contrary in any wise notwithstanding.

Penalty on retailing Strong-liquors without a Licence.

Exception.

II. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commander in chief, or, in his Absence from the Island, for the Lieutenant-governor, or President of the Council for the Time being, to license, and give Authority to such Person or Persons as shall apply for the same, to sell, and utter by Retail, Wine, Beer, Ale, Brandy, Cyder, Arrack, or Arrack-punch, Rum, or Rum-punch, or other Strong-liquors, such Person so to be licensed paying first down into the Hands of the

10 l. per Annum to be paid for a Licence to sell Brandy, and other Strong-liquors;

N n

Treasurer

1731. Treasurer for the Time being, at the Rate of twenty Pounds current Money *per Annum*, for such Time as he shall take such Licence to sell, and utter by Retail, Wine, Beer, Ale, Brandy, Cyder, Arrack, or Arrack-punch, Rum, or Rum-punch, or other Strong-liquors, not exceeding one Year; and at the Rate of five Pounds current Money *per Annum*, for such Time as such other Person shall take such Licence, not exceeding the Term of one Year, to sell, and utter by Retail, Rum, and Rum-punch only; and the Treasurer for the Time being is hereby required to give such Person or Persons a Certificate of such Payment to him made, without Fee or Reward; which Certificate, when produced to the Commander in chief, or, in his Absence from the Island, to the Lieutenant-governor, or President of the Council for the Time being, he shall forthwith grant such Licence or Licences under his Hand and Seal, for such Time as the Party applying hath paid, according to the Rates aforesaid; the Commander in chief, or, in his Absence from the Island, the Lieutenant-governor, or the President of the Council for the Time being, taking for signing every such Licence the Sum of ten Shillings current Money; and the Secretary, seven Shillings and six Pence, and no greater or other Fee or Reward, on any Pretence or Colour whatsoever; any Law, Act, Usage, or Custom of this Island to the contrary thereof in any wise notwithstanding.

To whom
Licences may
be granted.

III. AND be it enacted by the Authority aforesaid, That no Licences shall be given or granted to any Person or Persons whatsoever, save only to such who shall personally use the Trade of selling, or uttering by Retail, Wine, Beer, Ale, Brandy, Cyder, Arrack, or Arrack-punch, Rum, or Rum-punch, or other Strong-liquors; or to the Landlord, or Owner of the House where the Person using such Trade shall sell and utter the same; nor shall such Licence be assignable, nor in any wise beneficial or extensive, to indemnify any Person or Persons against the Penalties of this present Act, except the first Taker.

Penalty on
distilling
Rum.

IV. AND be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever within this Island, shall or may set up any Still or Stills, to distil or make Rum in any Town within the same, upon pain to forfeit and pay for every such Offence the Sum of One hundred Pounds current Money; and likewise to forfeit all such Quantities of Rum that shall be so distilled or made, contrary to the true Intent and Meaning of this present Act: Provided always, That it shall and may be lawful to and for any Planter, who shall distil and make Rum upon his Plantation, to utter and sell the same by Retail, by himself or his Servants, pure and unmixed, upon such said Plantation, or in his Dwelling-house belonging to the same, and no where else; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Exception.

Penalties
how to be
applied.

V. AND be it further enacted by the Authority aforesaid, That all and every the Taxes, Rates, and Impositions, laid and imposed, or to be raised by virtue of this Act, shall go and be paid to His Majesty, His Heirs and Successors, for and towards maintaining and keeping in Repair the Fortifications, Forts, and Batteries of this Island; and all and every the Penalties hereby above laid and imposed, shall go the two Thirds thereof to His Majesty, His Heirs and Successors, to be applied to the Uses aforesaid, and to and for none other Use or Purpose whatsoever; and the other Third to such Person or Persons as shall inform or sue for the same; and be recovered by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record in the said Island, in which Action or Suit, no Effoign, Protection, or Wager of Law, or any more than one Imparlance shall be allowed.

VI. AND be it further enacted by the Authority aforesaid, That no Treasurer shall disburse, pay, or lay out any of the Monies in any Manner arising by virtue of this Act, excepting only his Poundage herein after mentioned, for collecting

collecting and receiving the same, but to and for the Uses and Purposes to which the same by this Act are applied; and that, notwithstanding an Order or Warrant for that Purpose first had, under the Hand of the Captain-general, or Commander in chief, or, in his Absence from the Island, of the Lieutenant-governor, or President of the Council for the Time being, by and with the Approbation and Consent of the Council of the said Island, upon pain to forfeit and lose, and not be allowed in his Accounts, such Disbursements and Payments as shall be so made, contrary to the true Intent and Meaning of this Act.

1731.
Money paid by the Treasurer contrary to this Act, not allowed.

VII. AND be it further enacted by the Authority aforesaid, That the Treasurer for the Time being shall and may deduct, have, and take to his own Use, out of such Monies as shall from time to time arise by virtue of this Act, after the Rate of five Pounds for every hundred Pounds current Money so collected and raised, and so in proportion for any lesser Sum: And that the said Treasurer shall, yearly and every Year, during the Continuance of this Act, or oftner, if thereunto required by the Council and Assembly, lay before the said Council and Assembly, or a Committee thereof, for that Purpose to be appointed, a true Account of all Receipts, Dispositions, and Disbursements of any Monies collected and raised by Force of the same, in order to the auditing, settling, and passing his said Accounts; and in case of Neglect or Refusal by him so to do, then such Treasurer shall forfeit and lose the Sum of two hundred Pounds current Money; to be recovered against him by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record in the said Island, in which said Action or Suit there shall be no Essoign, Protection, or Wager of Law, or any more than one Imparllance allowed; and such Forfeiture when recovered, shall be applied to the Use of His Majesty's said Forts, Batteries, and Fortifications in the said Island, in Manner as is beforementioned and declared, concerning other Penalties laid by this Act.

Penalty on Treasurer refusing to pass his Accounts.

VIII. AND whereas several Persons, selling, and uttering by Retail, Wine, Beer, Ale, Brandy, Cyder, Arrack, Arrack-punch, Rum, or Rum-punch, and other Strong-liquors, have been, and are frequently guilty of harbouring, entertaining, and concealing of Sailors and Servants; whereby the first are encouraged and abetted in neglecting their Duty on board the Ships and Vessels whereunto they belong, and the last to injure their Masters, by the Loss of their Service, and to commit very great Disorders: For remedy of which said Evil, and for the more effectual Discouragement of such Practices for the Time to come; be it further enacted by the Authority aforesaid, That if any Person or Persons that shall, after the Publication of this Act, sell, or utter by Retail, any Wine, Beer, Ale, Brandy, Cyder, Arrack, Arrack-punch, Rum, or Rum-punch, or other Strong-liquors, do, or shall trust any Seaman or Sailor, belonging to any Ship or Vessel riding at Anchor in any of the Roads, Creeks, or Bays of the said Island, or any Servant belonging to any Inhabitant of the said Island, for Victuals and Drink, or any Sort of Strong-liquors, to the Value of six Shillings current Money, or upwards; such Person or Persons so trusting any Seaman or Sailor, or Servant, to the Value aforesaid, or upwards, shall be absolutely debarred from bringing or maintaining any Action at Law, and from arresting, detaining, or any otherwise proceeding against such Seaman or Sailor, or Servant, for such Debt so contracted above the Value aforesaid; any Law, Act, Usage, or Custom of this Island to the contrary thereof in any wise notwithstanding.

Clause to prevent harbouring Sailors and Servants.

IX. AND be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons, for any Matter or Thing which he or they shall do, or cause to be done in pursuance or Execution of all or any of the Powers, Authorities, Orders, or Directions of this Act; all and every the Person or Persons so sued and prosecuted in any Court whatsoever, shall and may plead the

Persons sued, may plead the General Issue.

1731. the General Issue, and give this Act, and the special Matter in Evidence; And if in any such Action or Suit, the Plaintiff or Prosecutor shall become nonsuit, or forbear Prosecution, or discontinue the Suit or Action; or if a Verdict shall pass against him, or Judgement be given against him by Default, or on Demurrer; then, in any of the said Cases, the Defendant or Defendants shall recover double Costs for which he or they shall have the like Remedy, as where Costs are by Law awarded or given to other Defendants.

Publick Act. X. AND be it further enacted by the Authority aforesaid, That this Act shall be taken and allowed in all Courts within this Island as a publick Act; and all Judges, Justices, and others, are hereby required to take Notice thereof as such, without specially pleading the same.

Continuance of this Act. XI. AND be it further enacted, That this present Act shall be, and continue in Force for the Space of eleven Years from the Publication thereof, and from thenceforward, until the next Sitting of the Council and Assembly of this Island.

1732. *An Act for preventing the Importation of any Foreign Sugar, Rum, or Molosses, into the Island of St. Christopher, in any other than English built Shipping, or from any other Place than the Place of their Growth, or where the said Commodities were first shipped for Transportation.*
 No 81.
 Not in force.

No 82.
 Expired. *An Act for raising a Tax on all Negroes, and other Slaves, and on Houses, Ware-houses, and Shops, for repairing the Fortifications, Forts, and Batteries of this Island, and for erecting some new Batteries therein; and for obliging all Owners and Possessors of Slaves to send a Proportion of their said Slaves to work on the said Fortifications, for such Time as is therein mentioned: And also for explaining an Act made in the eighth Year of the Reign of His late Majesty King George the first, intituled, An Act to repeal a certain Act of the Council and Assembly of the Island of St. Christopher, intituled, An Act for raising an Impost upon Liquors imported into the said Island; and for imposing certain Duties upon Wines, Beer, Ale, Cyder, and other Liquors hereafter to be imported into the said Island.*

An

1732.

An Act for continuing the Duties of Gunpowder and Small Arms upon the Tonnage of Vessels trading to and with this Island. R^o 83. Repealed.



An Act for continuing the Duties upon Wines, Beer, Ale, Cyder, and other Liquors to be imported into the Island of St. Christopher. R^o 84.

WE, Your Majesty's most dutiful and loyal Subjects, the Assembly of St. Christopher's, for the keeping in repair Your Majesty's Fortifications, Forts, and Batteries in the said Island, and for the erecting such other Fortifications, Forts, and Batteries, as are herein after mentioned, have cheerfully and unanimously given and granted unto Your Majesty the Impositions and Duties hereafter mentioned, for and during the Term hereafter expressed; and beseech Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Commander in chief of all Your Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of the Island of St. Christopher, and by the Authority of the same, That the several Impositions and Duties, which by an Act of this Island, made in the eighth Year of the Reign of His late Majesty King George the first, intituled, *An Act to repeal a certain Act of the Council and Assembly of the Island of St. Christopher, intituled, An Act for raising an Impost upon Liquors imported into the said Island; and for imposing certain Duties upon Wines, Beer, Ale, Cyder, and other Liquors hereafter to be imported into the same Island,* were granted, charged, or imposed upon the several Sorts of Liquors therein mentioned for the Term of eleven Years, which commenced from the twentieth Day of April, which was in the Year of our Lord One thousand seven hundred and twenty two, shall be continued from the twentieth Day of April, which shall be in the Year of our Lord One thousand seven hundred and thirty three, until the twentieth Day of April, which shall be in the Year of our Lord One thousand seven hundred and forty four, and no longer; and shall, during all that Time, be raised, levied, collected, and paid unto Your Majesty, Your Heirs and Successors, for and upon all such Liquors, as by the said former Act were chargeable, in such Manner and Form, and according to such Rules, and under such Penalties and Forfeitures, as by the said former Act were prescribed, for or concerning the Duties thereby granted.

II. AND be it further enacted by the Authority aforesaid, That the Treasurer of this Island for the Time being, shall keep a separate and distinct Account of the Duties granted by this Act, and of the Monies thereby arising; which Monies when received, shall be applied to the Uses herein after mentioned by this Act; that is to say, To the amending and keeping in repair the Fortifications, Forts, and Batteries of this Island, and for the erecting and building

Duties upon Wines, &c. granted by the Act of Geo. I. continued to April 1744.

Money arising thereby, how to be applied.

1732.

Penalty on
Treasurer
misapplying
the Money.

building any other Fortifications, Forts, or Batteries that shall be wanting, and be directed by the Commander in chief, and the Council and Assembly of this Island, to be erected therein, and to no other Use whatsoever.

III. AND it is hereby further enacted by the Authority aforesaid, That if the Treasurer of this Island, or any other Officer employed in receiving the said Duties, shall divert or misapply any of the Monies that shall be paid, or come into his or their Hands by virtue of this Act, to any other Uses or Purposes than are hereby directed; then such Treasurer, or other Officer so offending, shall forfeit his Office, and be incapable of any Office or Place of Trust within this Island: And all Orders and Warrants for issuing, paying, or disposing any of the Monies to be raised by virtue of this Act, contrary to the true Intent and Meaning thereof, shall be utterly void, to all Intents and Purposes whatsoever.



§ 85.
Expired.

An Act for granting to His Majesty a Duty of eight Shillings per Poll on all Negroes, and other Slaves within this Island, and also of five Pounds per Centum on the Rents of all Houses, Ware-houses, Shops, and Tenements in the several Towns within the said Island, to be applied towards the Discharge of the publick Debts; and for ascertaining and settling the Salaries of the several Officers therein mentioned.

§ 86.
Private.

An Act for barring and cutting off all Estates Tail, and Estates in Remainder, limited and appointed by Clement Crooke Esquire, deceased, in and by his Last Will and Testament, of, in, and concerning the Lands, Tenements, and Hereditaments in the said Will mentioned; and for vesting an Estate in Fee-simple therein, in Clement Crooke Esquire, his eldest Son, and Heir at Law, notwithstanding such Limitations and Appointments.

An

1734.

An Act for encouraging Thomas Spencer, lately an Inhabitant of the Island of Barbadoes, in a new Project of hanging Coppers and Shells more commodiously than hath heretofore been used.

An Act for appointing an Agent in Great Britain for the Island of St. Christopher, and for settling a Salary upon him during the Time of his Agency.

WE, Your Majesty's most dutiful and loyal Subjects, the Commander in chief of all Your Majesty's Leeward Caribbee Islands in America, and the Council and Assembly of Your Island of St. Christopher, taking into Consideration the Necessity of having an Agent to represent the People of this Island in the Kingdom of Great Britain, have chosen Richard Cope Esquire, to be Agent for the same; and we do most humbly pray Your Most Excellent Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of Your said Commander in chief, and the Council and Assembly of the said Island of St. Christopher, and by the Authority of the same, That Richard Cope Esquire, be, and he is hereby appointed to be the Agent for the said Island in the Kingdom of Great Britain: And that he the said Richard Cope shall have and receive out of the Treasury of the said Island, yearly and every Year, during the Time he shall be Agent for the said Island, the Salary of One hundred Pounds Sterling Money of Great Britain; the first Payment thereof to begin and be made within one Year next and immediately after the Date of this Act: And the Treasurer of the said Island for the Time being, is hereby impowered and ordered to ship yearly out of the publick Taxes, now raised or to be raised within the said Island, Sugar, or other Goods and Merchandizes of the Growth and Produce of this Island, sufficient to pay and discharge the said Salary.

100 l. per Annum settled on the Agent in Great Brit.

Ans

1733.

§ 89. *An Act for settling and describing more clearly the Limits and Bounds of the several Parishes in this Island: And for amending an Act, intituled, An Act for regulating Vestries; and for erecting into Parishes those Parts of this Island formerly belonging to the French; and for annexing other Parts of the said French Lands to the Parishes of St. Mary Cayon, St. John Capisterre, St. Anne Sandy Point, and Trinity Palmeto Point, and in the ninth Year of His late Majesty King George, for regulating Vestries in this Island; and for ascertaining the Bounds of every respective Parish in this Island.*

Extent of the
Parish of St.
George Basseterre,

FOR preventing any Disputes or Controversies, that may hereafter arise concerning the Boundaries of any of the Parishes within this Island, and for describing the Limits and Extent of each of the said Parishes more fully and plainly; be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Commander in chief of all His Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of the Island of St. Christopher, and by the Authority of the same, That the Parish of St. George Basseterre, in the said Island, shall extend from that Part of the Salt Ponds, called Nag's Head, along the Sea-shore, to a Place called Gillew's Gutt, and from thence to the Top or uppermost Part of the Plantation now in the Tenure or Occupation of Matthew Mills, including the same, and from the uppermost Part of the same Plantation to the Sea-shore, lying next the Foot or lowermost Part of the Plantation or Lands now in the Tenure or Occupation of Zachariah Bourryau, in Frigat Bay, passing along in the said Extent by the several Plantations or Lands now in the respective Tenures of Nicholas Galkwey, Giles Mardenborough, James Milliken, Louis Marsal, John Douglas, Tobias Wall, William Woodley senior, Ralph Payne, John Anderson, George Ashby, Peter Mitchell, and the said Zachariah Bourryau, and not to include the same, and from thence, along the Sea-shore, round the great Salt Ponds, to the aforesaid Point of Land, called Nag's Head.

and of St.
Peter Basseterre.

II. AND be it further enacted by the Authority aforesaid, That the Parish of St. Peter Basseterre, in the said Island, shall extend from the Sea-shore, lying next the said Plantations or Lands now in the Tenure of the said Zachariah Bourryau, along the Sea-shore, to a Place called Overee's Gutt, and from thence to the Top or uppermost Part of the Plantation or Lands late in the Tenure or Occupation of Charles Lowndes, and now in the Tenure of Robert Worthington, and including the same, passing along in the said Extent by the several Lands or Plantations now in the respective Tenures or Occupations of William Fenton, Richard Holleran, Robert Cumingham, John Spooner, and Richard Wilson, and not to include the same, and from thence to the Top or uppermost Part of the beforementioned Lands or Plantations, now in the Tenure of the said Matthew Mills, passing along by the said several Plantations or Lands next the Mountain, which now are in the respective Tenures or Occupations of Augustus Boyd, James Milliken, and Nicholas Galkwey, and including the same, and from thence to the Sea-shore next the aforesaid Land or Plantation in Frigat Bay aforesaid, now in the Tenure of the said Zachariah Bourryau, passing along in the said Extent by the aforesaid Lands or Plantations, in the several Tenures of the said Nicholas Galkwey, Giles Mardenborough,
James

James Milliken, Lewis Marsal, John Douglas, Tobias Wall, William Woodley senior, Ralph Payne, John Anderson, George Asby, Peter Mitchell, and the said Zachariah Bourryau, and to include the same.

1733.

III. AND be it further enacted by the Authority aforesaid, That the Parish of *St. Mary Cayon*, in the said Island, shall extend from the said *Overee's Gutt*, along the Sea-shore, to a Place called *Soldiers Gutt*, and from thence, along the said Gutt, to the Top or uppermost Part of the Plantation or Lands now in the Tenure of *Clement Crooke*, and including the same, passing along by the several Lands or Plantations now in the respective Tenures or Occupations of *Elizabeth Crooke, Clement Crooke, Zachariah Bourryau, and John Duport*, or his Under-tenant or Assigns, and not to include the same, and from thence to the Top of the said Plantation now in the Tenure of the said *Robert Worthington*, passing along by the several Plantations or Lands now in the respective Tenures of *Peter Thomas, the Heirs of Ralph Willett deceased, Anne Norton*, a Plantation called *Green Island*, now in the Tenure of the Honourable *William Matthew Esquire*, or his Under-tenant or Assigns, and the Plantation of the said *Richard Wilson*, and including the same, and from thence to the Sea-shore next the said *Overee's Gutt*, passing by the aforesaid Lands or Plantations now in the respective Tenures of the aforesaid *Richard Wilson, John Spooner, Robert Curyngbam, Richard Holleran, and William Fenton*, and to include the same.

IV. AND be it further enacted by the Authority aforesaid, That the Parish of *Christ Church Nichola Town*, in the said Island, shall extend from the said *Soldiers Gutt*, along the Sea-shore, to a Place called *St. George's Gutt*, and from thence, along the said Gutt, and a Gutt called *Bunnana Gutt*, to the Top or uppermost Part of the Plantations or Lands of *Nicholas Taylor*, now in the Tenure or Occupation of *Thomas Dowson*, his Under-tenant or Assigns, and including the same, passing along by the several Lands or Plantations now in the respective Tenures or Occupations of *Joseph Estridge, and Benjamin Estridge*, and of *John Taylor, and Joseph Taylor*, and not to include the same, and from thence to the Top or uppermost Part of the said Plantation, now in the Tenure of the said *Clement Crooke*, passing along by the several Lands or Plantations now in the respective Tenures or Occupations of *Benjamin Estridge, Anne Akers, Mary Hutchinson, Francis Phipps, John Mills, William Julius, William Woodley senior, John Spooner, Matthew Mills, the said Francis Phipps, and the said John Duport*, and including the same, and from thence to the Sea-shore next the said *Soldiers Gutt*, passing along by the several Lands or Plantations now in the respective Tenures or Occupations of the said *Elizabeth Crooke, Clement Crooke, John Duport*, or his Under-tenant or Assigns, and the said *Zachariah Bourryau*, and to include the same.

V. AND be it enacted by the Authority aforesaid, That the Parish of *St. John Capisterre*, in the said Island, shall extend from the said Gutt called *St. George's Gutt*, along the Sea-shore, to the East Side of the Plantation or Lands in *French Capisterre*, late in the Tenure or Occupation of *Thomas Canes*, and now in the Tenure or Occupation of *John Willett, and John Spooner Esquires*, and not to include the same, and from thence to the Top or uppermost Part of the Plantation or Lands now in the Tenure or Occupation of *Hubert Guichard*, and not to include the same, passing along in the said Extent by the Plantations of *Colonel John Hamilton deceased, James Milliard, and William Woodley senior*, and including the same, and from thence to the uppermost Part of the aforesaid Plantation of the said *Nicholas Taylor*, and now in the Possession of the said *Thomas Dowson*, passing along by the several Plantations or Lands now in the respective Tenures of *William Woodley senior, Read Parsons, Beddingfield Pogson, John Lynch, Anthony Lynch, Henry Willett, Margaret Willett junior, Joseph Estridge, John Ward, Benjamin Estridge, William Estridge, Thomas Dowson, William Johnson, the said Joseph Estridge, and*

1733. *John Taylor*, and *Joseph Taylor*, and including the same, and from thence to the Sea-shore next *St. George's Gutt*, passing along by the several Lands and Plantations now in the respective Tenures or Occupations of *John Taylor*, and *Joseph Taylor*, and *Joseph Estridge*, and *Benjamin Estridge*, and to include the same.

St. Paul Capisterre.

VI. AND be it enacted by the Authority aforesaid, That the Parish of *St. Paul Capisterre*, in the said Island, shall extend from the East Side of the aforesaid Plantations or Lands now in the Tenure or Occupation of the said *John Willett*, and *John Spooner*, along the Sea-shore, to the North Side of the Plantation or Lands late in the Tenure or Occupation of *Marmaduke Bachelor*, and now in the Tenure of *Jeremiah Brown*, and not to include the same, and from thence to the Top or uppermost Part of the Plantation or Lands now in the Tenure or Occupation of *Anthony Patrie*, and to include the same, passing along in the said Extent by the several Plantations or Lands now or late in the respective Tenures or Occupations of *George Huddleston*, *Henry Crooke*, *John Orton*, and *Sir Charles Payne*, and not to include the same, and from thence to the uppermost Part of the Plantation or Lands now in the Tenure or Occupation of the said *Hubert Guichard*, passing along in the said Extent by the Plantations in the several Tenures or Occupations of *Peter Guinilat*, *Peter Brotherson*, and *Nathan Crossley*, and including the same, and from thence to the East Side of the aforesaid Plantations or Lands in the Tenure of the said *John Willett*, and *John Spooner*, and to include the same, passing along in the said Extent by the several Plantations or Lands now in the respective Tenures or Occupations of *Hubert Guichard*, *Mary Hutchinson*, and the said Lands of *Thomas Canes*, now in the Tenure or Occupation of *John Willett*, and *John Spooner* aforesaid, and to include the same.

St. Anne Sandy Point.

VII. AND be it enacted by the Authority aforesaid, That the Parish of *St. Anne Sandy Point*, in the said Island, shall extend from the North Side of the said Plantation or Lands, formerly called *Bachelor's Plantation*, and now in the Tenure of the said *Jeremiah Brown*, along the Sea-shore, to a Place called *Sandy Point Gutt*, and from thence to the Top or uppermost Part of the Plantation or Lands now in the Tenure or Occupation of *Benjamin Markbam*, and including the same, and passing along by the several Plantations or Lands now in the respective Tenures or Occupations of *Francis Phipps*, *Nathaniel Payne*, and *Stephen Adye*, and not to include the same, and from thence to the uppermost Part of the beforementioned Plantation or Lands now in the Tenure or Occupation of the said *Anthony Patrie*, passing along by the several Plantations or Lands in the respective Tenures or Occupations of *Sir Charles Payne*, *Nathaniel Payne*, *Isaac Peter Audain*, *Patrick Blake*, and the said *Sir Charles Payne*, and including the same, and from thence to the Sea-shore next the North Side of the said Plantation or Lands, formerly called *Bachelor's Plantation*, and now in the Tenure of the said *Jeremiah Brown*, passing along by the aforesaid Plantations or Lands now in the respective Tenures or Occupations of *Sir Charles Payne*, *John Orton*, *Henry Crooke*, and *George Huddleston*, and to include the same.

St. Thomas Middle Island.

VIII. AND be it enacted by the Authority aforesaid, That the Parish of *St. Thomas Middle Island*, in the said Island, shall extend from *Sandy Point Gutt* aforesaid, along the Sea-shore, to a Place called *Stone's Fort Gutt*, and from thence to the Top or uppermost Part of the Plantation or Lands now in the Tenure or Occupation of *John Maddox*, and including the same, passing by the several Plantations or Lands now in the respective Tenures or Occupations of *Elizabeth Henderfon*, *Patrick Blake*, and *Mary Clayton*, and not to include the same, and from thence to the Top or uppermost Part of the said Plantation, in the Tenure of the said *Benjamin Markbam*, passing along by the several Plantations now or late in the respective Tenures or Occupations of *Charles Matthew deceased*, *Christopher Jefferson*, *John Orton*, *Jasper Virchild*, *Richard*

Richard Walker, the Honourable *William Mathew*, *Michael Lambert* deceased, *Freeman Millard*, *James Vircbild*, *Thomas Butler* deceased, and *Peter Soulegree*, and *Stephen Adye*, and including the same, and from thence to the Sea-shore next the said *Sandy Point* Gutt, passing along by the aforesaid Plantations or Lands, now in the respective Tenures or Occupations of *Francis Phipps*, *Nathaniel Payne*, and the said *Stephen Adye*, and to include the same.

1733.

IX. AND be it enacted by the Authority aforesaid, That the Parish of *Trinity Palmeto Point*, in the said Island, shall extend from the said *Stone's Fort* Gutt, to the said *Gillew's* Gutt, and from thence to the Top or uppermost Part of the beforementioned Plantation, now in the Tenure of the said *Matthew Mills*, and not to include the same, passing along by the several Plantations now in the respective Tenures or Occupations of *Joseph King*, *John Johnson*, and the Heir of *Edward Spencer* deceased, his Under-tenants or Assigns, and to include the same, and from thence to the Top or uppermost Part of the said Plantation in the Tenure of the said *John Maddox*, and not to include the same, passing along by the several Plantations or Lands in the respective Tenures or Occupations of the Heir of the said *Edward Spencer* deceased, his Under-tenants or Assigns, *Peter Dupee*, *Francis Kerie*, *Mary Bourryau*, *Sarah Phillips*, *Sarah* and *Mary Guillien*, *Zachariah Bourryau*, *John Garnett*, *Elizabeth Henderson*, *Elizabeth Willett*, *Margaret Willett* junior, *Donn Therould*, the late *Michael Lambert* deceased, and the said *Elizabeth Henderson*, and including the same, and from thence to the Sea-shore next the said *Stone's Fort* Gutt, passing along by the several Lands or Plantations in the respective Tenures or Occupations of the said *Mary Clayton*, *Patrick Blake*, and *Elizabeth Henderson*, and to include the same.

X. PROVIDED always, and be it enacted, That this Act shall not be in Force, until His Majesty shall give His Royal Assent thereto.

Commence-
ment of this
Act.

An Act to indemnify the Treasurer of this Island for and on account of £^o 90^l his paying away the publick Sugars at a lower Price than they were received at.

WE, Your Majesty's most dutiful and loyal Subjects, the Commander in chief of all Your Majesty's Leeward Carribbee Islands in *America*, and the Council and Assembly of the Island of *St. Christopher*, do most humbly pray Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Commander in chief, Council, and Assembly aforesaid, and by the Authority of the same, That it shall and may be lawful to and for the Treasurer of this Island to pay away all such Sugars that he hath already collected and received, or may hereafter collect and receive, at the current Price that Sugar at the Time of the Publication of this Act generally is received and paid within this Island: And the said Treasurer, for or upon account of such Payment or Payments by him so made, or hereafter to be made, shall

Treasurer to
pay away Su-
gars at the
Price gene-
rally paid at
the Publica-
tion of this
Act.

1733.

shall be, and is hereby indemnified, released, acquitted, and discharged; any Law of this Island to the contrary thereof in any wise notwithstanding.



No 91.

An Act to regulate the Militia of the Island of St. Christopher.

Persons from
16 to 60 Years
of Age, to
serve in the
Militia.

Exception.

WHEREAS nothing can contribute more to the Safety and Defence of this Island, than that a good and regular Discipline of the Militia be observed by the Inhabitants thereof; we therefore, Your Majesty's most dutiful and loyal Subjects, the Commander in chief of all Your Majesty's Leeward Carribbee Islands in *America*, and the Council and Assembly of this Your Majesty's Island of *St. Christopher*, do pray Your Most Sacred Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of His Majesty's Commander in chief of His Leeward Islands, the Council and Assembly of *St. Christopher's*, and by the Authority of the same, That every Man, Inhabitant of this Island, from the Age of sixteen to the Age of sixty Years, and every such Person who shall hereafter be an Inhabitant in the said Island, after the Expiration of six Months from his first Residence within the same, be henceforward obliged to serve in some Troop or Company of the Militia of this Island, except decrepid and disabled Persons, Cannoneers, Montrosses, and such as belong to the Forts and Garrisons thereof: And that the said Militia do remain formed into one Troop of Horse, one Troop of Dragoons, and two Regiments of Foot.

Captain-general, with the
Advice of a
Council of
War, to ap-
point which
Corps each
Person shall
appear in.

II. AND to prevent Disputes which Corps each Person shall serve in, be it enacted by the Authority aforesaid, That the Captain-general, or Commander in chief of this Island for the Time being, by and with the Advice of a Council of War (which shall always consist of himself, three Field-officers, and three Captains at the least) shall be empowered hereby, from time to time, and at all times, to appoint which Corps each Person, or Inhabitant on this Island shall appear in: Provided always, That no Plantation be obliged to provide more than one Trooper or Dragoon; and that no Person, who is willing to serve in the Troop, shall be compelled to serve in the Dragoons or Foot; nor any Person, that is willing to serve in the Dragoons, shall be compelled to serve in the Foot.

Men how to
be armed and
accoutred.

III. AND be it further enacted by the Authority aforesaid, That every Foot-soldier shall appear with a good Firelock, and a Cartouch-box, capable of containing at least twenty Cartridges, and which he shall always appear with, full of fizeable Cartridges to his Gun: Every Dragoon shall appear on an able Horse, belonging to himself, or the Plantation for which he shall appear, with a good Saddle, and Bridle, and a Pair of Spurs, a good Firelock, a Link for his Horse, and a Bucket for his Gun, fixed to his Saddle, with Belt and Swivel, and Cartouch-box, capable of containing at least twenty Cartridges, and which he shall always appear with, full of Cartridges fizeable to his

his Gun: And every Trooper shall appear with an able Horse, belonging to himself, or the Plantation for which he shall appear, in a decent Coat, and other Clothing, a Deme Peak, or sham Pad-saddle, with housings and houlster Caps, and a good Bitt, or Civit Bridle, a good Pair of Houlsters; and a Pair of Pistols, and a good Firelock, and Bucket for it, fixed to his Saddle, with Belt and Swivel, and Cartouch-box, capable of containing at least ten Cartridges, all which he shall appear with, full of sizeable Cartridges for his Gun, and six sizeable Cartridges for each Pistol, a Pair of Boots and Spurs, and a broad cutting Sword, and bring with him an able negro Man, armed with a good Cutlash.

1733.

IV. AND be it further enacted by the Authority aforesaid, That the Place of Rendezvous shall be at Parading-places to be appointed by the Commander in chief on this Island for the Time being; and every Person not appearing on the Parade at each General or other Meeting by Nine of the Clock in the Morning, unless prevented by Sicknefs, or some unforeseen Accident, to be allowed in Excuse by his Officer (Trooper, or Dragoon, by the Colonel, or other Commanding Officer of the said several Corps for the Time being, or to a Foot-soldier, by the Colonel, or Commanding Officer for the Time being, of the Regiment he belongs to) shall be esteemed absent that Day.

Commander in chief to appoint the Place of Rendezvous.

V. AND that such Meetings may not be useless, by the Remissness or Indulgence of any Officer whatsoever; be it, and it is hereby enacted by the Authority aforesaid, That the following Method shall always be punctually observed; viz. The Commanding Officer of Foot in the Field shall first exercise all the Officers of the Foot present, and then shall name one of them to exercise the Foot through the Manual Exercise and Facings; and shall then himself, with the Officers at their Posts, march the Men over the Parade, to teach them to march, wheel, and draw up; after which the whole Foot shall be formed into Platoons, and taught to fire, by burning of Powder, or flashing in the Pan only, by Platoons, or Ranks advancing and retreating, and shall be dismissed by Twelve of the Clock at the farthest; and that while the Foot are performing the Exercise, the Horse shall exercise with their Pistols on Horseback; and the Commanding Officer of them shall then order them to dismount, delivering their Horses to their Negroes, who are to remain in one regular Rank with them, at the Distance of ten Paces, or farther in the Rear, and then he shall exercise them through the Manual Exercise, and form them into Platoons, teaching them, by flashing in the Pan, to fire, advancing and retreating; after which they shall mount, and their Officers shall march them over the Parade as often as they shall see necessary, teaching them to march, wheel, and draw up, and dismiss them by Twelve of the Clock at the farthest; and the Dragoons at the same Time shall also dismount, and link their Horses in the Rear, and by their Officers be exercised through the Manual Exercise, and shall then be formed into Platoons, and taught to fire, advancing and retreating, by flashing in the Pan only; after which they shall mount, and their Officers shall march them over the Parade as often as they shall see necessary, teaching them to wheel, march, and draw up, and dismiss them by Twelve of the Clock at the farthest.

Form of Exercise.

VI. AND be it also enacted by the Authority aforesaid, That the Exercise of the said several Corps shall, on General Meeting Days, be such, and in such Manner, as the Commanding Officer in the Field that Day shall think most proper.

To be settled by the Commanding Officer in the Field.

VII. AND be it further enacted by the Authority aforesaid, That the Fines for not appearing at each General or other Meeting, without being equipt, as aforesaid, shall be half as much as if absent; and every Person of the said several Corps which shall be absent on such Meeting Days, without a good Reason, such as shall be allowed of, as aforesaid, shall forfeit and pay in Time of Peace as follows; viz. Every Trooper, fourteen Shillings; every Dragoon,

Penalty on not appearing.

1733.

nine Shillings; and every Foot-soldier, six Shillings, or the said Foot-soldier be tied Neck and Heels half an Hour; except one white Person, who shall have Liberty to stay at Home, where there shall be more than one white Man-servant in a Plantation, without incurring any Forfeiture for so doing; every Colonel, the Sum of three Pounds ten Shillings; every Lieutenant-colonel, three Pounds; every Major, fifty Shillings; every Captain, forty Shillings; every Lieutenant and Ensign, thirty Shillings; every Serjeant, twelve Shillings; and every Corporal and Drummer, each, six Shillings; and for every Absence or Non-attendance of the Field-marshal (who shall be appointed by the Governor in chief, in order to exercise the Militia, as he shall be commanded by the Commanding Officer in the Field) the said Field-marshal shall forfeit the Sum of Twenty Pounds.

Punishment
of a Soldier
misbehaving
himself to his
Superior.

VIII. AND be it further enacted by the Authority aforesaid, That during a Time of Peace, whatever Officer or Soldier shall endeavour to revenge himself on his Superior, for having obliged him to do his Duty; or shall therefore behave himself disrespectful, or with ill Manners to his superior Officer at any Meetings; such *Delinquent* shall be punished, by Confinement in *Charles Fort*, at the Discretion of a General or Regimental Court-martial, not exceeding thirty Days.

Fines how to
be recovered
and disposed
of.

IX. AND be it further enacted by the Authority aforesaid, That all Fines directed to be levied by this Act, shall be levied and disposed of as follows; viz. The Commanding Officer of Horse and Dragoons on each Parade, on every General or other Meeting Day, shall cause the Roll of each Corps, Officers included, to be called over at Nine of the Clock, and shall sign a true List of every one absent, or not armed, accoutred, and mounted, as aforesaid, and make a Return of each Trooper or Dragoon thereof, signed by the Commanding Officer on the Parade, as aforesaid, within six Days, to the Commander in chief on this Island for the Time being; and that the Commanding Foot-officer on the Parade that Day, shall cause the Roll of each Company, Officers included, to be called over at Nine of the Clock, and shall sign a true List of every one absent, or not armed, as aforesaid, and make a Return thereof to the Colonel of the Regiment, under the Penalty of Six Pounds for each Neglect of such several Returns, as aforesaid; and the Commander in chief of this Island for the Time being shall thereupon sign and issue, within forty eight Hours next after such Return made to him, a Warrant, directed to the Field-marshal for the Time being (who is hereby empowered and required to put this Act in Execution within fifteen Days after the Date of the said Warrant, under the Penalty of Six Pounds for each Refusal or Neglect) ordering and directing him to distrain on the Goods and Chattels of the Defaulter, if any Officer commissioned, or Non-commissioned Trooper or Dragoon, sufficient to satisfy the Fines so incurred by them by virtue of this Act, with all Charges attending such distraining, on the Sale of such Goods and Chattels; which said Goods and Chattels shall, in three Days after the same shall be levied upon, be exposed to Sale by the said Field-marshal, he returning the Surplus, if any shall be, to the Owner or Owners of the said Goods so levied on; and that the said Colonel shall issue out his Warrant, directed to the Serjeants of each Company where such Foot-soldier or Drummer shall belong, to levy on the Goods and Chattels of such Foot-soldier or Drummer, sufficient to satisfy the Fines so incurred by them by virtue of this Act, with all the Charges attending such distraining, on the Sale of such Goods and Chattels; which said Goods and Chattels shall, within three Days after the same shall be levied upon, be sold by the said Serjeants, they rendering the Surplus, if any shall be, to the Owners; and that the Fines thus arising, shall be paid to the Colonel of each Regiment, to be distributed to the Serjeants and Drummers, viz. One half to the said Serjeants and Drummers, for their Encouragement, and the other half to buy Powder, for firing in

in Platoons, as by this Act is directed: Provided always, That such Sales be made in the next adjacent Town, and in the Presence of four white Persons at the least: And if a Servant, or Apprentice be hindered by his Master or Mistress, or not by them provided so as to appear accoutred and armed, as by this Act is directed; the Master or Mistress of such Servant, or Apprentice, shall in such case pay the Fine, which shall be levied by the said Serjeants, as aforesaid.

1733.

X. AND be it further enacted by the Authority aforesaid, That Serjeants, Corporals, and Drummers shall be named by the Colonel, or Commanding Officer of each Corps, who on Refusal to serve as such, shall incur the Fines of Absence, as aforesaid, and shall, from such Nomination and Appointment, be obliged to serve as Serjeants, Corporals, and Drummers, three Years then next following (excepting such as have been Commissioners) in their turns, and no longer.

Serjeants, &c. to be named by the Colonel.

XI. AND be it further enacted by the Authority aforesaid, That in case of a War, or an Invasion should be threatened, Insurrections of Slaves be apprehended, or any Occasion be of Alarms, by Danger of contagious or infectious Distempers, or otherwise however, the Captain-general, or Commander in chief on this Island for the Time being, may in such Case put all the Inhabitants of this Island under Arms, and oblige them to act against a common Enemy; and may order Guards at his Discretion, and appoint Bounds for the Space of twenty four Hours, and no longer; but may continue the same as much longer as need be, with the Advice and Consent of the Council of this Island for the Time being: Provided always, That in case of an actual Invasion, or where an Enemy shall appear in view; that then, and in such Case, the Commander in chief on this Island for the Time being shall and may keep the Inhabitants thereof in Arms, until such Enemy shall disappear, without such Advice, as aforesaid; any thing herein before contained to the contrary notwithstanding.

Power of the Commander in chief in case of War, &c.

XII. AND be it further enacted by the Authority aforesaid, That for lesser Offences, all Regimental Courts-martial shall consist of one Field-officer, and four Captains at the least.

Courts-martial.

XIII. AND be it further enacted by the Authority aforesaid, That each and every Officer of Foot shall appear in the Field; Field-officers, and Captains, with half Pikes; the Lieutenants, with Partizans; and each an able negro Man, with a Cutlash, and his best Fuzee, for the Officers to exercise with, when required.

Officers how to be armed.

XIV. AND be it further enacted by the Authority aforesaid, That all Members of the Council (or such as have been so) and Assembly for the Time being (except all such Members of both Houses as are Officers) all Officers of the Customs; the Judges of the Courts of King's-bench and Common-pleas; Barons of the Exchequer, and Judge of the Admiralty; the Treasurer; the Secretary, and his Deputies; the Register, and his Deputies; the Marshal, and his Deputy; and all Officers attending the Assembly; and all the Clergy, shall be excused appearing at all such Meetings, except General Musters and Alarms; any thing in this Act contained to the contrary in any wise notwithstanding.

Persons excused.

XV. AND be it further enacted by the Authority aforesaid, That every Trooper shall always have at his Place of Abode, and which he shall produce at every such Meeting, as aforesaid, on the Parade, if thereunto required by the Commanding Officer in the Field for the Time being, two Pounds of good Pistol Powder, and six Pounds of Ball, sizeable for his Gun and Pistols; and each Dragoon, or Foot-soldier, one Pound of good Pistol Powder, and three Pounds of Ball, sizeable to his Gun, to be produced by him, as aforesaid; and every Captain, or Commander of a Company, Ammunition for twenty Rounds for his whole Company.

What Quantity of Powder and Ball each Soldier is required to have.

XVI. AND

1733.
Commander
in chief to
summon a
Council of
War, &c.

XVI. AND be it further enacted by the Authority aforesaid, That the Commanding Officer on this Island for the Time being, shall and may, as often as he sees convenient, summon a Council of War, or Court-martial, where every Person summoned neglecting to attend, shall forfeit for each Neglect Three Pounds; to be levied in such Manner as the Fines and Forfeitures herein before imposed, in case of Absence from Reviews, or on Mustering-days, are directed to be levied.

What shall
be deemed an
Alarm.

Penalty on
making false
Alarms.

XVII. AND be it further enacted by the Authority aforesaid, That four Muskets, or Small Arms, fired one after another, at half a Minute's distance, after Nine of the Clock at Night, or two great Guns distinctly fired, either by Night or Day, shall be taken for, and deemed an Alarm from Quarter to Quarter throughout the Island; and all and every the Gunners of each respective Fort and Platform, are hereby obliged to take Notice of, and forward the same with all Expedition: And whatever Person or Persons shall make any false Alarm or Alarms, by firing Muskets, Small Arms, or Guns, or by beating any Drum or Drums after the said Hour of Nine at Night, or neglect his or their Duty, in forwarding any Alarm made as aforesaid; he or they so wilfully offending, shall forfeit Fifty Pounds current Money, for each Offence or Neglect; to be levied by the Provost-marshal on the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the Commander in chief on this Island for the Time being; and for want of Goods whereon to distrain for the same, the Person or Persons offending shall suffer two Months Imprisonment: And whatever Master or Commander of any Ship or Vessel in any of the Roads or Bays of this Island, shall presume, after the said Hour, to fire, or cause, or suffer to be fired on board his Ship, any great Guns, or Small Arms, or shall beat, or cause, or suffer to be beaten any Drum or Drums, whereby this Island may without Need be alarmed; such Master or Commander so offending against this Act, shall suffer the Penalties as aforesaid, as in Cases of Alarm, unless on apparent Danger he do it in Defence of his Vessel.

Militia to be
exercised 3
times a Year.

General Mu-
ster once a
Year.

Reward for
them that
make the best
Shot.

General Meet-
ing of the
Militia on the
Arrival of a
Captain-ge-
neral.

XVIII. AND be it further enacted, That eight times in each respective Year (that is to say, once in the several Months of *January, March, May, July, September, October, November, and December*) the Militia of this Island shall meet at their respective Parades, to be exercised, as aforesaid: And once in every Year there shall be a General Muster or Review of the whole Militia, to be appointed by the Commanding Officer in this Island for the Time being, when and where he shall think fit; and that then and there be set up four several Targets, to be provided by the Officer of each Corps, one for the Troop of Horse, two for the Regiments of Foot, and a Fourth for the Troop of Dragoons; and that every private Man of each respective Corps be ordered to fire one Shot, at sixty Yards distance, at the said Targets set up for them severally; and that the Treasurer for the Time being shall, and do provide before-hand four silver hilted Swords, that for the Horse to be of the Value of six Pounds Sterling, and that for the Dragoons to be of four Pounds Sterling, and them for the Foot to be of fifty Shillings Sterling, each to be paid for out of the publick Treasury of this Island; and that the Swords be given to him of each Corps that makes the best Shot, to encourage them that delight in Arms: And in case any Dispute arise relating to whom the Sword doth belong, it shall be referred to the Commanding Officer for the Time being in the Field, whose Determination shall be final; and that this be done once in every Year, and not oftner.

XIX. AND be it further enacted by the Authority aforesaid, That the Commander in chief on this Island for the Time being, by and with the Advice and Consent of the Council of the same Island, shall and may order and appoint a General Meeting of the Militia, on the first Arrival of a Captain-general, or Commander in chief of the said Leeward Carribbee Islands, at this Island,

Island, or upon any other extraordinary Occasion: And that all and singular the Persons not repairing to such General Meeting, or not appearing there, shall be subject to the same Penalty as for Absence from General Meetings and Reviews, as aforesaid; which shall be levied in the same Manner as the said Forfeitures are hereby directed to be levied: And in case of an Alarm, all Persons not appearing with the utmost Expedition and Diligence, armed and accounted as hereby before directed, to their respective Alarm-posts, which shall be before assigned them, by Order from the Commander on this Island for the Time being, shall forfeit and pay the Sum of Twenty five Pounds current Money, or such lesser Sum as a Court-martial shall think fit; and in case the Person so offending shall refuse to pay such Sum, he shall suffer two Months Imprisonment, or some lesser Punishment, as by a Court-martial shall be inflicted.

1733.

Penalty of
not appearing
upon an
Alarm.

XX. AND be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Commander in chief on this Island for the Time being, by and with the Advice of the Council and Assembly of the same Island, to give such Reward for the Encouragement of such Persons as shall distinguish themselves by Courage or Conduct, as to them shall seem meet; which shall be paid out of the Treasury of this Island; and to make such further Provision for all Persons maimed or killed in Defence of this Island, or their Widows or Orphans, as the said Governor in chief, Council, and Assembly shall think proper.

Reward to
be given to
Persons di-
stinguish-
ing them-
selves in
Defence of
the Island.

XXI. AND be it further enacted by the Authority aforesaid, That in case of an actual Invasion of this Island at any time, or immediate Danger of such, it shall and may be lawful to and for the Chief Commander on this Island at that Time, to press Ammunition, Provisions, or any Warlike Store, also Carts, Waggon, Negroes, and Horses or Cattle for the publick Service, for the Space of twenty four Weeks only, by Warrant under his Hand and Seal; and in case of any Damage happening to such Negroes, Cattle, Horses, or Carriages, or that any of the said Provisions, Ammunition, or Store, shall be expended in the publick Service, it is the true Intent and Meaning of this Act, that the Owners thereof shall receive out of the publick Treasury of this Island, the full Value thereof.

Commander
in chief may
press Ammu-
nition, &c.
in case of an
Invasion.

XXII. AND be it further enacted by the Authority aforesaid, That in case of Alarms, or actual Invasion, all Persons practising Surgery shall attend with proper Instruments and Medicines at the several Alarm-posts, which shall be appointed by the Commander in chief on this Island for the Time being, and attend the Service as the Commander shall direct, under the Penalty of Fifty Pounds; and in Consideration of such their Attendance, as aforesaid, they are hereby excused their other Meetings; any thing in this Act contained to the contrary notwithstanding.

Surgeons to
attend at the
Alarm posts.

XXIII. AND be it further enacted, That all the Fines and Forfeitures imposed by this Act (except the Fines accruing from the Regiments of Foot) the one half thereof shall go to, and be received by the Field-marshal of this Island for the Time being, in Consideration of his Attendance and performing his Duty, as by this Act is directed; and the other half Part thereof shall be paid by the said Field-marshal to the Treasurer of this Island for the Time being, to be applied to and for the Use of His Majesty's Fortifications of this Island, under the Penalty of forfeiting double the Sum which shall be paid unto him, after the Expiration of ten Days.

Fines not
otherwise
disposed of,
to be paid to
the Field-
marshal, &c.

XXIV. AND to the end that no Person, who shall make Default in appearing at the Meetings aforesaid, shall be excused from the Forfeitures herein before imposed; be it further enacted by the Authority aforesaid, That the said Field-marshal, before he shall take upon himself to execute any Powers and Authorities to him given by this Act, shall take an Oath before the Commander in chief on this Island for the Time being, That he will not, directly

who shall be
sworn not to
compound

1733-

Guards in
Christmas
Holy-days for
four Days.

or indirectly, compound or agree with any Person who shall incur any Fine or Forfeitures imposed by this Act, for any less Sum or Sums of Money than such Persons shall have actually forfeited.

XXV. AND be it further enacted by the Authority aforesaid, That the Commanding Officer of this Island for the Time being shall have Power, and is hereby required to order Guards and Rounds in the *Christmas* Holy-days, for four Days, and no longer; the Guards and Rounds to begin on *Christmas*-eve, and for three Days and three Nights after; and upon every Refusal or Neglect of Officers or Soldiers, they and each of them shall incur double Fines and Penalties, as for Non-appearance; to be levied and applied by the Field-marshal, and Serjeants, as aforesaid.

In Time of
War Militia
to be exercis-
ed once a
Month.

XXVI. AND whereas in time of War more frequent Meetings of the Militia of this Island may be necessary and expedient, for the Safety of this His Majesty's Colony; be it therefore further enacted by the Authority aforesaid, That in the Time of War the Militia of this Island shall meet at their several Parades, to be exercised in such Manner as is by this Act herein before directed, once in each respective Month; any Clause, Matter, or thing herein before contained to the contrary thereof in any wise notwithstanding.

Persons sued,
may plead the
General Issue.

XXVII. AND be it further enacted by the Authority aforesaid, That in any Action, Suit, or Prosecution, wherein or whereby any Person or Persons shall be appointed or authorized by virtue of this Act, to put the same, or any Part thereof in Execution, shall be prosecuted or molested; it shall be lawful for all and every the said Persons, their Heirs, Executors, and Administrators, to plead the General Issue, and give this Act in Evidence in any Court or Courts of Justice where the said Matter shall be depending; and all the Judges of the said Courts are hereby required to admit the same, without pleading specially; and acquit, discharge, and indemnify them, and every of them, of and from all Suits and Prosecutions for or concerning any Matter or Thing acted or done in the due and necessary Performance and Execution of their respective Trusts and Employments therein.

Continuance
of this Act.

XXVIII. AND be it further enacted by the Authority aforesaid, That this Act shall have Continuance, and be and remain in Force for the Space of five Years from the Publication thereof, and from thence to the then next Sitting of the Assembly of this Island.



1733-4
D^o 9th
Expired.

An Act for settling the Sum of One thousand two hundred Pounds, for one Year, to be computed from the Twenty fifth Day of December last past, and after the Expiration of the said Year, the Sum of Eight hundred Pounds current Money per Annum, upon his Excellency William Mathew, Chief Governor of all His Majesty's Leeward Carribbee Islands in America, for the more honourable Support of him, and of the Dignity of His Majesty's Government, during the Term therein mentioned.

AN

1733-4

An Act for raising an annual Sum of Eight hundred Pounds current ^{£^o 93.} Money, by a Duty or Tax of Fourteen Pence per Poll on all Negroes, and other Slaves within this Island: And the further Sum of Four hundred Pounds of like current Money, by an additional Duty or Tax of Seven Pence per Poll on the said Negroes, and other Slaves, for one Year, to be computed from the Twenty fifth Day of December last past; to be applied to the several Uses and Purposes herein declared and appointed. ^{Expired.}



An Act to oblige all Owners, Renters, or Possessors of Slaves, to send ^{£^o 94.} a Proportion of their said Slaves to work on the Fortifications of this Island. ^{Expired.}



An Act for giving an Estate of Inheritance in Fee-simple to such of ^{£^o 95.} the Inhabitants of this Island as have built, or shall build Houses within the several Fortifications of Brimstone-hill, Charles Fort, and Fort Londonderry.

WHEREAS it has been found extremely inconvenient, in Time of War, for the Inhabitants of this Island to live upon *Brimstone-hill*, without convenient Houses for themselves and Families: And whereas it is highly reasonable that Liberty be given to such of them as shall think proper to

1733-4 to build Appartments therein, and also in *Charles Fort*, and *Fort Londonderry*, for their more comfortable Reception and Subsistence, and better Security of their most valuable Effects: For the accomplishing therefore the Purposes aforesaid; we, Your Majesty's most dutiful and loyal Subjects, the Council and Assembly of the Island of *St. Christopher*, do most humbly pray Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Captain-general, and Governor in chief in and over all His Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of the Island of *St. Christopher*, and by Authority of the same, That Proportions of Land be laid out by the Direction of the Captain-general, or, in his Absence from this Island, of the Lieutenant-governor, or Commander thereof for the Time being, within the several Fortifications abovementioned; and that any Person or Persons, being Inhabitants of this Island, or having any Estate or Estates of Freehold thereon, shall and may build thereon Houses, Cisterns, and such other Conveniencies as they shall think proper, and hold and enjoy the same to them, their Heirs, and Assigns for ever, paying the Treasurer of this Island, for the Use of His Majesty, His Heirs and Successors, a Pepper-corn yearly Rent for the same, if demanded: Provided always, That no one Person, for him or herself and Family, shall be allowed to have more than twenty four Foot in Front, and sixty Foot in Depth; and that such Buildings be either Stone Walls, or boarded with arched, shingled, or tiled Roofs, and that no Part thereof be thatched; and that the said Proportions so taken up, be built upon in the Manner hereby directed, within three Years from the Date thereof; any thing herein contained to the contrary thereof notwithstanding: Provided also, That if any Grant or Conveyance be made of any Proportion of Land, or of any House or Houses erected and built within any of the aforesaid Fortifications, to any Person or Persons whatsoever; such Grant or Conveyance shall be void, unless the Purchaser or Purchasers thereof be Inhabitant or Inhabitants of this Island, or have an Estate of Freehold thereon; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Land to be
laid out for
Persons to
build Houses
on, at *Brim-*
stone-hill, &c.

and to be
confirmed by
Patent under
the Great
Seal.

II. AND for preventing Disputes that may hereafter arise, touching the Right or Title to any of the said Proportions of Land so to be allotted, as aforesaid, and the Buildings thereupon to be erected and built; be it, and it is hereby further enacted by the Authority aforesaid, That immediately from and after any Person or Persons shall have erected and built a House, or other Appartments and Buildings on such Proportion of Land so allotted to him, her, or them; the said Commander in chief shall, on Application for that Purpose, be obliged to grant to him, her, or them, a Patent under the Great Seal of these Islands for the same, to hold the same by such Metes and Bounds as shall be therein and thereby described, to such Person or Persons, his, her, or their Heirs and Assigns for ever, under the yearly Rent herein abovementioned, if demanded; which said Patent when granted, shall convey an Estate of Inheritance in Fee-simple, and shall be good and available in Law against the King's Majesty, His Heirs and Successors for ever.

III. AND whereas his Excellency *William Mathew* did, within the Time prescribed by an Act, intituled, *An Act for giving Titles to Inhabitants building Houses on Brimstone-hill* (passed August the thirtieth, One thousand seven hundred and twenty) build a House upon a Proportion of Land upon the said Hill, containing twenty four Foot in Front, and eighty Foot in Depth; which said House, and Proportion of Land, is now the Property of the Honourable Sir *Charles Payne* Knight, who hath, by virtue of the said Act, a Title to the same for no longer a Term than fifty and one Years, from the Day of passing the said Act: And whereas nothing is more just than that he should be put on the same Footing with other Persons, who shall hereafter

hereafter have Proportions of Land on *Brimstone-hill* aforesaid, and build Houses thereupon; be it therefore, and it is hereby further enacted by the Authority aforesaid, That the said Sir *Charles Payne* shall from henceforth hold and enjoy the said House, and Proportion of Land, to himself, his Heirs and Assigns for ever, in as full and ample Manner, as any Persons building any Houses by virtue of this Act, shall and may hold and enjoy the same.

1733-4

Sir Charles Payne's House confirmed to him and his Heirs for ever.



An Act for reducing the Fee of Three Shillings per Sheet taken by the Sec^{ry} 96. Secretary as Clerk in Chancery, for the Copies of Bills and Answers in the said Court, filed in the Secretary's Office, and for appointing a more reasonable Fee in the room thereof.

WHEREAS in and by a certain Docket of Fees annexed to, and established by an Act of Council and Assembly of this Island (passed the tenth Day of *January*, One thousand seven hundred and fifteen sixteen) intituled, *An Act for regulating and appointing the Fees of the several Officers and Courts in this Island*, the Sum of Three Shillings current Money per Sheet is allowed to the Secretary, as Clerk in Chancery, for Copies of Bills and Answers in that Court, filed in the Secretary's Office: And whereas the same is a most unreasonable and extravagant Fee, and a great Oppression upon the Suitors in that Court, and must occasion an almost total Stagnation of Equitable Justice, by deterring many Persons, by the vast Expence thereof, from prosecuting their just Rights therein; we therefore, Your Majesty's most dutiful and loyal Subjects, the Council and Assembly of the Island of *St. Christopher* (for remedy of so great an Evil) do pray Your Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of His Majesty's Governor in chief of all His Leeward Carribbee Islands in *America*, and of the Council and Assembly of the said Island of *St. Christopher*, and by Authority of the same, That the said Docket and Act, as to the said Fee of Three Shillings current Money per Sheet, for Copies of Bills and Answers in the Court of Chancery, to be filed in the Secretary's Office of this Island, shall be, and is hereby from henceforth repealed, annulled, and declared void, to all Intents and Purposes, as if the same had never been made: And that the Secretary for the Time to come, shall not, on any Pretence whatsoever, take any more than One Shilling and six Pence per Sheet, each Sheet to contain one hundred and twenty Words, for Copies of Bills and Answers in Chancery, to be filed in his Office, upon pain, for every Offence committed against this Act, to forfeit and lose double the Value of such Sum taken over and above the said Fee of One Shilling and six Pence per Sheet; one Moiety, or half Part whereof, shall go to His Majesty, His Heirs and Successors, and be applied to the Use of the Fortifications, Forts, and Batteries of this Island; and the other

Secretary's Fee reduced to 1 s. 6 d. per Sheet.

Penalty on taking more.

1733-4. Moieties, or half Part thereof, shall go to such Person or Persons as shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record in this Island by Action of Debt, Bill, Plaint, or Information, in which said Action or Suit no Effoign, Protection, or Wager of Law, or any more than one Imparance shall be allowed.

Proviso. II. PROVIDED nevertheless, and it is hereby declared, That this Act shall not be of any Force, until such Time as His Majesty shall have given His Royal Assent thereunto.



1734.
Expired.

An Act for obliging the Church-wardens and Vestrymen of the Parish of St. George Basseterre to keep Watch in the Town of Basseterre, and Irish Town, by Night; and for preventing Robberies, and other Disorders that are frequently committed therein.



1734.
Expired.

An Act for continuing an Act, intituled, An Act to oblige all Owners, Renters, or Possessors of Slaves, to send a Proportion of their said Slaves to work on the Fortifications of this Island.

An

1735.

An Act to oblige all Persons, Negroes, or other Slaves, hawking and retailing Wares and Merchandizes through the several Plantations or Parishes of this Island, to take out Licences for doing the same: And for preventing the Sale of Goods, Wares, and Merchandizes by Way of Lottery, and Lotteries for Money.

WHEREAS several Frauds and Abuses are daily committed by Negroes, who are employed by several Shop-keepers, and other Persons, in hawking and retailing Goods and Wares through the several Parts of this Island, which cannot be remedied but by the total Suppression thereof: For preventing of which for the future, be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in chief of all His Majesty's Leeward Carribbee Islands in America, and the Council and Assembly of the Island of St. Christopher, and by the Authority of the same, That from, and immediately after the Publication of this Act, no Person or Persons whatsoever, either by him, her, or themselves in Person, unless in such Manner as is herein after directed, or by any other white Person, Negro, or Slave, shall hawk, carry about, and vend, or expose to Sale, or cause or procure to be hawked, carried about, and vend, or exposed to Sale, any Goods and Merchandizes whatsoever, in and through the several Plantations or Parishes of this Island.

No Goods to be hawked about the Island without a Licence.

II. And for the better discovering and bringing to Punishment all such Persons who shall, contrary to the Directions of this Act, either by him, her, or themselves in Person, unless as herein after is directed, hawk, carry about, and vend, or expose to Sale, or that shall employ, or send any Goods, Wares, or Merchandize by white Persons, Negroes, or other Slaves, about the Country for Sale; be it, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons to apprehend and carry before any one of His Majesty's Justices of the Peace in the said Island all such white Persons, Negroes, or Slaves, which shall be found or detected carrying about, and exposing to Sale any such Goods, Wares, and Merchandize in Manner abovementioned; which said Justice is hereby empowered and required to issue forth his Warrant or Precept under his Hand and Seal, requiring any Person or Persons, who shall be suspected to be the Owner or Owners of the said Goods, Wares, or Merchandize, or whom he shall know, or be informed, is capable of discovering such Owner or Owners of the same, to attend him at such Time and Place as he shall therein direct; and in case such Person or Persons, suspected to be the Owner or Owners of such said Goods, Wares, and Merchandize, do not then acquit him, her, or themselves upon Oath (which Oath the said Justice is empowered to administer) by denying that the said Goods so seized do belong to him, her, or them; or if it be otherwise proved upon Oath, to the Satisfaction of such said Justice, that the said Goods do really belong to such suspected Owner or Owners; or that he, she, or they are interested in the same; or that they are in any wise interested therein; that then, and in such Case, such Person or Persons shall be deemed and looked upon to be convicted of such Offence, and shall by such said Justice be adjudged to forfeit and lose the said Goods to the Informer, and likewise to pay the Sum of Twenty Pounds current

Method of detecting Persons offending against this Act.

Penalty on Conviction.

1735.

current Money, or upon Refusal, be committed to the common Goal, there to remain without Bail or Mainprize, until Payment of the said Sum; but in case upon Examination it doth not appear to such said Justice, who is the Owner or Owners, or any way interested in any such said Goods, Wares, and Merchandizes, then the same only shall be by him adjudged to be forfeited to such Person or Persons who seized such said Goods, Wares, and Merchandizes, and gave Information of the being hawked and carried about, contrary to the Intent and Meaning of this Act.

30 l. per An-
num to be
paid for a
Licence.

III. PROVIDED also, and it is hereby declared and enacted by the Authority aforesaid, That if any white Person or Persons whatsoever shall pay into the Hands of the Treasurer of this Island for the Time being the Sum of thirty Pounds current Money by the Year, and in like Proportion for any Time not less than three Months, of which Payment when made he is hereby required to give such Person or Persons a Certificate, without Fee or Reward; then, and in such Case, it shall and may be lawful for the Governor in chief on this Island for the Time being, and he is hereby authorized and required to give the Person or Persons producing such Certificate, as aforesaid, [in] his, her, or their Name or Names only, who shall apply for the same, a Licence under his Hand and Seal, for hawking, carrying, vending, and retailing any Goods, Wares, Merchandizes, or Commodities whatsoever, in, about, or through the several Plantations and Parishes of this Island; for which said Licence the said Governor in chief, and Secretary, shall and may take the same Fee as is allowed by Law for Wine Licences, and no greater or other Fee or Reward whatsoever; any thing herein contained to the contrary thereof in any wise notwithstanding.

Money arising
thereby
how to be
applied.

IV. AND be it further enacted by the Authority aforesaid, That all Monies arising by Licences in Manner as aforesaid, shall be applied and disposed to and for the Use of the Fortifications, Forts, and Batteries of this Island, and to and for no other Use or Purpose whatsoever.

Penalty on
Persons set-
ting up Lot-
teries, &c.

V. AND whereas a Scheme hath formerly been carried on for the Sale and Disposal of Plate, Jewels, and several other Goods and Merchandizes by way of Lottery, which is not only a gross and notorious Imposition upon the Publick, but may also prove a very great Injury to the Commerce of this Island, by discouraging Merchants constantly residing here, and other fair Traders, in the honest and lawful Exercise of their respective Callings, if a timely Remedy be not applied to the same: For preventing whereof, be it, and it is hereby further enacted by the Authority aforesaid, That from and after the Publication of this Act, no Person or Persons whatsoever shall make, set up, continue, or cause or procure to be made, set up, continued, or kept any Office or Place under the Denomination of a Sale or Sales of Plate, Jewels, or other Goods and Merchandizes whatsoever; or shall sell, or expose to Sale any Plate, Jewels, or other Goods and Merchandizes by way of Lottery, or by Lot, Tickets, Chances, Numbers, or Figures; or shall make, advertise, or publish, or cause or procure to be made, advertised, and published, Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the Whole to large Sums, to be divided amongst them by Chances; or shall deliver out, or cause or procure to be delivered out, Tickets to Persons advancing such Sums, to intitle them to a Share or Shares of such said Plate, Jewels, or other Goods and Merchandizes set up to Sale, or of such Monies so advanced, according to such Proposals or Schemes; or shall make, advertise, and publish, or cause or procure to be advertised and published, Proposals, or any Schemes of the like Crime or Nature, under any Denomination, Nature, or Title whatsoever, upon pain that all and every Person or Persons offending against this Act, shall for every Offence forfeit and lose the Sum of one thousand Pounds current Money of this Island; one Moiety whereof, when recovered, shall go to His Majesty, His Heirs and Successors,

Successors, and be applied and disposed in and towards the maintaining and keeping in repair the Fortifications, Forts, and Batteries of this Island; and the other Moiety to such Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record in this Island, by Action of Debt, Bill, Plaint, or Information, in which said Suit no Effoign, Protection, or Wager of Law, or any more than one Imparlance shall be allowed.

1735.

VI. AND be it further enacted by the Authority aforesaid, That this Act shall remain and be in Force for and during the Space of three Years from the Day of the Publication thereof, and from thence to the End of the then next Sitting of the Assembly of this Island, and no longer.

Continuance
of this Act.

An Act for the better regulating of Seamen and Sailors, and obliging all Masters of Ships and other Vessels to take care of their sick Seamen or Sailors.

WHEREAS the Navigation of this Island labours under great Difficulties and Disappointments, by reason of the disorderly Behaviour of the Sailors and Seamen, occasioned chiefly by the Entertainment and Credit they meet with in the Punch-houses of this Island, and also by Sailors leaving the Vessels they have been entred in, before they have performed the Voyage they have been entred for, to which they are encouraged by their being shipped at higher Wages by the Masters of other Vessels: And whereas the Laws already made have proved ineffectual for the Prevention of the Mischiefs aforesaid; we, Your Majesty's most dutiful and loyal Subjects, the Governor in chief in and over all Your Majesty's Leeward Caribbee Islands in *America*, and the Council and Assembly of Your Majesty's Island of *St. Christopher*, humbly pray Your Most Sacred Majesty that it may be enacted; and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Governor in chief, and the Council and Assembly of the said Island of *St. Christopher*, That all Sailors and Seamen belonging to any Ship, Sloop, or Vessel whatsoever, lying at Anchor in any of the Roads of this Island, who after the Publication of this Act shall leave, or absent himself from the Ship or Vessel to which he belongs, for the Space of forty eight Hours, without the Order or Consent or Leave of the Master or Mate of the Ship, Sloop, or Vessel to which he shall belong, and shall be thereof convicted by the Oath of his Master or Mate, and by any other Person, before any of His Majesty's Justices of the Peace for the said Island; then such Sailor or Seaman shall forfeit and lose all the Wages which shall be due to him for his Service on board the Vessel he shall so leave or absent himself from.

Seaman abs-
enting him-
self 48 Hours
from the Ship
he belongs to,
to lose his
Wages.

T t

II. ANN

1735.

Persons har-
bouring Sea-
men without
a Ticket, for-
feit their Li-
cence, &c.

II. AND be it, and it is hereby also enacted, That if any Keeper of a Punch-house, or Seller of Rum or Rum-punch, or any other Liquor, shall harbour or receive any Sailor or Seaman belonging to any Ship or Vessel lying at Anchor in any of the Roads or Bays of the said Island, without a Ticket from his respective Master or Mate, after the Hour of Eight of the Clock at Night, without the Permission of the Master or Mate of the Ship or Vessel to which he belongs; or shall at any Time of the Day or Night conceal any Sailor from any Person belonging to the same Vessel, who shall enquire for him; or who shall permit any Sailor to remain in any House or Yard belonging to him, for the Space of one Hour after he shall be forewarned or forbid so to do by the Master or any Mate of the Ship or Vessel to which he shall belong; such Seller of Rum or Rum-punch, or other Liquors, in any or either of the said Cafes, being thereof convicted before the Commander in chief for the Time being, or two Justices of the Peace (one of which to be of the *Quorum*) by the Oath of the Master or Mate of the Ship or Vessel so forewarning and forbidding, shall be, *ipso facto*, deprived of, and forfeit his or her Licence for selling Liquors, and also shall incur and suffer the same Penalties and Forfeitures; to be recovered in the same Manner as by the Laws of this Island now in Force are laid or imposed and directed, in case of Persons selling Liquors without Licence.

Penalty on
Masters of
Ships receiv-
ing Sailors
without a Cer-
tificate of
their Dis-
charge from
the Master of
the Vessel
they last
served in.

III. AND be it, and it is hereby further enacted by the Authority afore-
said, That all Masters of Ships and other Vessels, who shall at any Time hereafter ship, or receive on board any Seaman or Sailor, without having a Certificate of his Discharge under the Hand of the Master of the Ship or Vessel he last served in, or otherwise, in case such Sailor hath no such Certificate, and before he hath made Oath before one of His Majesty's Justices of the Peace for the said Island, that he doth not belong to any Ship or Vessel whatsoever, and was legally discharged from the Ship or Vessel he last served on board, shall forfeit and pay the Sum of Twenty Pounds current Money of the said Island, for every such Offence; one half to be paid to the Master of the Ship or Vessel which the Sailor or Seaman shall leave and desert, without being duly discharged; and the other Part thereof to the Church-wardens of the Parish next adjacent to the Road or Bay where the Ship or Vessel, from which such Sailor deserted, was at Anchor at the Time of his Desertion, for the Use of the Poor of the same Parish; and to be recovered in any of His Majesty's Courts of Record in the said Island by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed.

Clause to pre-
vent sick and
disabled Sea-
men being left
upon the
Island.

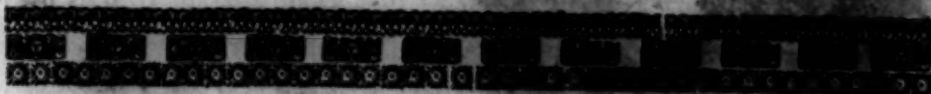
IV. AND whereas sick and disabled Sailors have been frequently left upon this Island by their respective Captains, whereby great Expence and Charges have accrued to the several Parishes, particularly that of St. George Bassa-
terre, amounting annually to very considerable Sums for their Maintenance and Burial: For prevention thereof, and for obliging all Masters of Vessels to take proper Care of their Seamen, and provide for such of them as are sick; be it, and it is hereby enacted by the Authority afore-
said, That from and after the Publication of this Act, it shall be inserted in, and made Part of the Condition of the Bonds entred into at the Secretary's Office of this Island upon the Arrival of any Ship or Vessel, by the Masters or Commanders of the same, that the Master or Commander, or his Securities, shall provide for, and take Care of the Sailors or Mariners belonging to his Vessel, so that they, or any of them, shall not become chargeable to any Parish of this Island, within such Space of six Months after the Departure from this Island of the Ship or Vessel to which he or they shall belong, except such Sailors as belong to, or have gained a legal Settlement in some Parish in this Island: And also, that from and after the Publication of this Act, the Pen-
alty

nalty of such Bonds to be entred into at the Secretary's Office shall be Fifteen hundred Pounds.

V. AND be it further enacted by the Authority aforesaid, That this Act shall continue in Force for five Years from the Date hereof, and no longer, and to the next Sitting of the Assembly.

1735.

Continuance of this Act.



An Act for granting to His Majesty a Duty of Five Shillings and six Pence per Poll on all Negroes, and other Slaves within this Island; and also Five Pounds per Cent. on the Rent of all Houses, Warehouses, Shops, and Tenements in the several Towns within this Island.

101.
Expired.



An Act to enable the Publick of this Island to cut Turf and Sod out of the Lands adjoining to Fort Londonderry, for repairing and finishing the Fortifications and Works of the said Fort.

102.
Expired.



An Act for the reviving of an Act, intituled, An Act to oblige all Owners, Renters, or Possessors of Slaves, to send a Proportion of their said Slaves to work on the Fortifications of this Island.

103.
Expired.

F I N I S

THE
OF THE
AND

AND

AND

AND

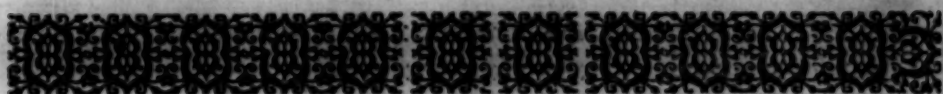
AND

AND

AND

AND

These following Acts were not come to Hand when the foregoing were printed off.



An Act for preventing clandestine Marriages in the Island of St. Christopher.

1739.
104.

WHEREAS clandestine Marriages have been heretofore frequently celebrated in this Island, whereby Parents have been deprived of their Children without their Consent and Approbation, to the great Injury and Disquietude of Families: And whereas evil-minded Persons are at Liberty still to carry on such irregular Practices, unless timely prevented by Law; for remedying therefore so great an Evil, we, Your Majesty's most dutiful and loyal Subjects, the Council and Assembly of the Island of St. Christopher, do pray Your Majesty that it may be enacted, and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in Chief of all His Majesty's Leeward Charibbee Islands in America, and the Council and Assembly of the said Island of St. Christopher, and by the Authority of the same, That from and immediately after the Publication of this Act, no Person or Persons whatsoever shall presume, under any Colour or Pretence whatsoever, to marry or join together in Wedlock any Couple, unless before such Marriage be celebrated the Parties intending or designing to be married be duly called in the Church by the Christian Name and Surname of the said Couple where one of the Parties shall reside for Three Sundays or Holy-days, successively, during the Time of Divine Service, or that the Parties so intending to be married, or one of them, shall first procure and take out, or cause to be procured and taken out of the Secretary's Office of this Island a Licence for that Purpose, which shall also be signed by the Ordinary, or deputed Ordinary on this Island for the time being, before the same shall be of any Force or Validity whatsoever.

Persons so be married shall be called three times in the Church,

or take out a Licence.

II. AND be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall marry or join together in Wedlock any Couple whatsoever, unless both the Parties be first called in Church, as aforesaid, or having such Licence, as aforesaid, authorizing him to do the same; such Person or Persons offending against this Act shall forfeit and lose One hundred Pounds current Money for every Offence so by him committed, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Protection, or Wager of Law, or any more than one Imparlance shall be allowed; and the same when recovered shall go, one Moiety, or half

Penalty.

1739.

Part thereof, to such Person or Persons who shall inform or sue for the same, and the other Moiety, or half Part, shall go and be paid to the Church-wardens of the Parish where such Offence shall be committed, for the Use of the Poor of such Parish.



No 105.

An Act for giving an Estate of Inheritance in Fee-simple to such of the Inhabitants of this Island as have built or shall build Houses within the several Fortifications of Brimstone Hill, Charles Fort, and Fort Londonderry.

WHEREAS the several Inhabitants of this Island have neglected building Houses in any of the Fortifications of the said Island within the Limitation of Time prescribed in and by an Act of the Governor in Chief, Council, and Assembly of this Island, intituled, *An Act for giving an Estate of Inheritance in Fee-simple to such of the Inhabitants of this Island as have built or shall build Houses within the several Fortifications of Brimstone Hill, Charles Fort, and Fort Londonderry*, and passed the Twentieth Day of February, One thousand seven hundred and thirty three, whereby the said Act is become ineffectual, as to the several Intents and Purposes for which the same was made; we therefore, Your Majesty's most dutiful and loyal Subjects, the Council and Assembly of the Island of *St. Christopher*, do most humbly pray Your Majesty that it may be enacted, and be it, and it is hereby enacted by and with the Advice and Consent of the Captain-general and Governor in Chief in and over all His Majesty's *Leeward Charibbee* Islands in *America*, and the Council and Assembly of the said Island of *St. Christopher*, and by the Authority of the same, That Proportions of Land be laid out by the Direction of the Captain-general, or, in his Absence from this Island, of the Lieutenant-governor, or the Commander thereof for the time being, within the several Fortifications abovementioned; and that any Person or Persons, being Inhabitants of this Island, or having any Estate or Estates of Freehold thereon, shall and may build Houses, Cisterns, and such other Conveniencies as they shall think proper, and hold and enjoy the same to them, their Heirs and Assigns for ever, paying the Treasurer of this Island, for the Use of His Majesty, His Heirs and Successors, a Pepper Corn yearly Rent for the same, if demanded.

Buildings with-
in the Fortifi-
cations to be
made Free-
hold.

Proviso.

II. PROVIDED always, That no Person, for him or herself and Family, shall be allowed to have more than Twenty four Foot in Front, and Sixty Foot in Depth; and that such Buildings be either Stone Walls, or boarded, with arched, shingled, or tiled Roofs, and that no Part thereof be thatched; and that the said Proportions so taken up be built upon in the Manner hereby directed, within Three Years from the Date hereof; any thing herein contained to the contrary thereof notwithstanding.

Proviso.

III. PROVIDED also, That if any Allotment be made of any Proportion of Land, or of any House or Houses erected and built within any of the aforesaid Fortifications, to any Person or Persons whatsoever, such Allotment shall be void, unless the Person or Persons to whom the same shall

shall be allotted, and built upon, be Inhabitant or Inhabitants of this Island, or have an Estate of Freehold thereon; any thing herein before contained to the contrary thereof in any wise notwithstanding.

1739.

An Act for reviving an Act, intituled, An Act for continuing the Work of the Fortifications, Forts, and Batteries of this Island; and for obliging all Owners and Possessors of Slaves to send a Proportion of their said Slaves to the same, for such Time as therein is mentioned; and for amending and altering several Parts and Clauses in the said Act mentioned and contained.

No 106.
Expired.

An Act for granting an Aid to His Majesty, by a Duty or Tax of Eight Shillings per Poll on all Negroes and other Slaves, and the further Duty of Five Pounds in the Hundred on all Houses, Warehouses, Shops, and Tenements in the several Towns within this Island, to be applied in and towards Payment of the public Debts now due, and for defraying the accruing Expence of this current Year 1739, to the several Officers and others employed by the Publick of the said Island.

No 107.
Expired.

An Act to prevent all Persons, Negroes, and other Slaves, from hawking and retailing Wares and Merchandizes through the several Plantations, Towns, or Parishes of this Island; and for the preventing the Sale of Goods, Wares, and Merchandizes by Way of Lottery, and Lotteries for Money.

No 108.

WHEREAS several Frauds and Abuses are daily committed by Negroes who are employed by several Shop-keepers, and other Persons, in hawking and retailing Goods and Wares through the several Parts

1739.

No Hawkers
to be allowed.

Penalty.

All Persons
may apprehend
Hawkers.Justice's War-
rant to appre-
hend Hawkern.How to con-
vict a Hawker.

Proviso.

of this Island, which cannot be remedied but by the total Suppression thereof; for preventing of which for the future, be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in Chief of all His Majesty's *Leeward Chabibee* Islands in *America*, and the Council and Assembly of the Island of *St. Christopher*, and by the Authority of the same, That from and immediately after the Publication of this Act, no Person or Persons whatsoever, either by him, her, or themselves, shall hawk, carry about, and vend or expose to Sale, or cause or procure to be hawked, carried about, and vend or exposed to Sale, any Goods and Merchandize whatsoever in and through the several Plantations, Towns, or Parishes of this Island.

II. AND be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, contrary to this Act, presume to hawk, carry about, vend or expose to Sale, or cause or procure to be hawked, carried about, and vend or exposed to Sale any Goods, Wares, and Merchandize, as aforesaid, shall for every such Offence forfeit the Sum of One hundred Pounds current Money, together with the Goods exposed to Sale.

III. AND for the better discovering and bringing to Punishment all such Persons who shall, contrary to this Act, either by him, her, or themselves in Person, hawk, carry about, and vend or expose to Sale, or that shall employ or send any Goods, Wares, or Merchandize by white Persons, Negroes, or other Slaves about the Parishes, Plantations, or Towns of this Island for Sale; be it, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons to apprehend and carry before any one of His Majesty's Justices of the Peace in the said Island, all such white Persons, Negroes, or Slaves, which shall be found or detected carrying about and exposing to Sale any such Goods, Wares, and Merchandize, which said Justice is hereby empowered and required to issue forth his Warrant or Precept under his Hand and Seal, requiring any Person or Persons, who shall be suspected to be the Owner or Owners of the said Goods, Wares, or Merchandize, or whom he shall know or be informed is capable of discovering such Owner or Owners of the same, to attend him at such Time and Place as he shall therein direct; and in case such Person or Persons suspected to be the Owner or Owners of such said Goods, Wares, and Merchandize, do not then acquit him, her, or themselves upon Oath (which Oath the said Justice is empowered to administer) by denying that the said Goods so seized do belong to him, her, or them; or if it be otherwise proved upon Oath, to the Satisfaction of such said Justice, that the said Goods do really belong to such suspected Owner or Owners; or that he, she, or they are interested in the same; or that they are in any wise interested therein; that then, and in such a Case, such Person or Persons shall be deemed and looked upon to be convicted of such Offence, and shall by such said Justice be adjudged to lose and forfeit the said Goods to the Informer, and likewise to pay the Sum of One hundred Pounds current Money, as enjoined by this Act, or upon Refusal to be committed to the common Gaol of this Island, there to remain without Bail or Mainprize until Payment of the same.

IV. PROVIDED nevertheless, and it is hereby declared and enacted by the Authority aforesaid, That if any Person or Persons convicted in offending against this Act, do make it appear upon Oath, or other satisfactory Proof, such as shall be allowed of by the Justice before whom the Fact is tried, that he, she, or they are not worth the Sum inflicted to be paid by this Act, then, and in such a Case, he, she, or they to be committed to the common Gaol only, for the Space of Six Calendar Months, without Bail or Mainprize, as aforesaid; any thing in this Act contained to the contrary

contrary thereof in any wise notwithstanding; but in case upon Examination it doth not appear to such said Justice who is the Owner or Owners, or any way interested in such said Goods, Wares, and Merchandize, then the same only shall by him be adjudged to be forfeited to such Person or Persons who seized such said Goods, Wares, and Merchandize, and gave Information of their being hawked and carried about contrary to the Intent and Meaning of this Act.

1739

V. AND be it further enacted by the Authority aforesaid, That all the Money arising by the Forfeitures of this Act, shall be for the Use of His Majesty, His Heirs, and Successors, for and towards the defraying the contingent Charges of this Island.

VI. AND whereas a Scheme hath formerly been carried on for the Sale and Disposal of Jewels, Plate, and several other Goods and Merchandize by way of Lottery, which is not only a gross and notorious Imposition upon the Publick, but may also prove a very great Injury to the Commerce of this Island, by discouraging Merchants constantly residing here, and other fair Traders in the honest and lawful Exercise of their respective Calling, if a timely Remedy be not applied to the same; for preventing thereof be it, and it is hereby further enacted by the Authority aforesaid, That from and after the Publication of this Act, no Person or Persons whatsoever shall make, set up, continue, or cause or procure to be made, set up, continued, or kept, any Office or Place under the Denomination of a Sale or Sales of Plate, Jewels, or other Goods and Merchandize whatsoever by Way of Lottery, or by Lott, Tickets, Chances, Numbers, or Figures; or shall make, advertise, or publish, or cause or procure to be made, advertised, and published, Proposals or Schemes for advancing small Sums of Money by several Persons, amounting in the whole to large Sums, to be divided amongst them by Chances; or shall deliver out, or cause or procure to be delivered out, Tickets to Persons advancing such Sums to entitle them to a Share or Shares of such said Plate, Jewels, or other Goods and Merchandize set up to Sale, or of such Monies so advanced according to such Proposals or Schemes; or shall make, advertise, or publish, or cause or procure to be made, advertised, and published, Proposals or Schemes of the like Crime or Nature, under any Denomination, Name, or Title whatsoever, upon pain that all and every Person or Persons offending against this Act shall for every Offence forfeit and lose the Sum of One thousand Pounds current Money of this Island, one Moiety whereof, when recovered, shall go to His Majesty, His Heirs and Successors, and be applied as herein before directed, and the other Moiety to such Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record in this Island, by Action of Debt, Bill, Complaint, or Information, in which said Suit no Essoign, Protection, or Wager of Law, or any more than one Imparlance shall be allowed.

No private Lotteries to be allowed.

Penalty.

VII. PROVIDED always, That nothing in this Act shall extend to debar or prevent the carrying about and selling of Fruit, Herbage, Stock, fresh Fish, or any other the Growth or Produce of the said Island; any thing herein before contained to the contrary notwithstanding.

1739.

No 109.
Expired.

*An Act for continuing an Act, intituled, An Act for re-
viving an Act, intituled, An Act for continuing the
Work of the Fortifications, Forts, and Batteries of
this Island; and for obliging all Owners and Posses-
sors of Slaves to send a Proportion of their said
Slaves to the same, for such Time as therein is men-
tioned; and for amending and altering several Parts
and Clauses in the said Act mentioned and contained.*



No 110.

*An Act to direct and impower the Courts in the Island
of St. Christopher in all Actions where mutual Deal-
ings and Credits are between the Plaintiff and De-
fendant, to set off and discount each Party's Demand
against the other, and to give Judgement for the Ba-
lance only.*

General Issue
to be pleaded
14 Days be-
fore the second
Court.

WHEREAS frequently Actions are brought in the Courts of this Island where mutual Dealings and Credits are between the Plaintiff and Defendant, and by the Laws and Usage of this Island the Plaintiffs are not compellable in such Actions to allow and discount the Defendants lawful Demands against them, but such Defendants are obliged to commence fresh Actions against the said Plaintiffs for Recovery thereof, which occasions a Multiplicity of Suits, and is otherwise found by Experience to be very prejudicial to the Trade and Commerce of this Island; to remedy the same for the future, we, Your Majesty's most dutiful and loyal Subjects, the Governor in Chief of all Your Majesty's *Leeward Charibbee* Islands in *America*, and the Council and Assembly of the said Island of *St. Christopher*, do humbly pray Your Most Excellent Majesty that it may be enacted, and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of His said Governor in Chief, and of the Council and Assembly of the said Island of *St. Christopher*, and by the Authority of the same, That where any Action or Suit is or shall be brought in any Court in the said Island of *St. Christopher* by any Plaintiff, in his own Right, or as Executor or Administrator, against any Defendant, in his own Right, or as Executor or Administrator, for any Due, Debt, or Demand whatsoever, and there are any Demands and Intercourse of Debts and Credits between such said Plaintiff and Defendant, or their Testators or Intestates; in all such Cases, from and after Publication of this Act, such Defendant shall and may plead the General Issue to such Action or Suit Fourteen Days before the second Court next after the Entry of such Action, and deliver to the Plaintiff, or to his Attorney or Agent, a Copy of such his Plea, and of his Account or Demand against the Plaintiff, with Notice
in

in Writing, that he intends to give the same in Evidence at the Trial of the said Cause, which Account or Demand, on due Proof thereof, shall be set and allowed against the Demand of the said Plaintiff, and a Verdict (if such Cause be tried by a Jury) shall thereupon be given according to the Evidence, and Judgement shall be awarded by the Court for the Plaintiff or Defendant for such Balance as shall be found due on the one Side or the other, with Costs of Suit.

1739.

II. PROVIDED always nevertheless, That if such Defendant shall neglect to plead the General Issue to such Action, and to deliver to the Plaintiff, or his Attorney or Agent, a Copy of such Plea, and of his Account or Demand against the Plaintiff, with such Notice in Writing, as aforesaid, within the Time above limited; then, and in such Case, the said Defendant shall not be admitted by the Court to offer or give such his Account or Demand in Evidence against the Plaintiff at the Trial of the said Cause; any thing herein contained to the contrary notwithstanding.

Provido.



An Act for the more effectual cleaning and amending the Highways in this Island; and to repeal an Act, intituled, An Act for repairing Her Majesty's Highways.

1740.

1740.

WHEREAS an Act now in force, intituled, *An Act for repairing Her Majesty's Highways*, made the third Day of November, in the Year One thousand seven hundred and eleven, is, by the great Change of the Circumstances of this Island since the making thereof, become useless in some Particulars, and defective and obscure in others, which make it necessary that a new Law be passed for the more effectually repairing and amending the Highways of this Island; we therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Council and Assembly of Your Majesty's Island of St. Christopher, do most humbly pray Your Most Sacred Majesty that it may be enacted and ordained by the King's Most Excellent Majesty, by and with the Advice and Consent of the Governor in Chief in and over all His Majesty's Leeward Charibbee Islands in America, the Council and Assembly of the said Island of St. Christopher, and be it, and it is hereby enacted and ordained by the Authority of the same, That the abovementioned Act be, and the same is hereby repealed and annulled.

Former Act repealed.

II. AND be it, and it is hereby enacted and ordained by the Authority aforesaid, That from henceforth, yearly, all or any Two Justices of the Peace in each Parish, or if there be not Two Justices residing in any Parish, then the nearest residing Justice or Justices shall meet together some Time in the Month of January, and by Warrant under their their Hands and Seals nominate and appoint Two sufficient Inhabitants of the said Parish to be Way-wardens of the same; and the Persons so appointed, after due Notice thereof, by the Constable's Delivery of the said Warrant to them, or one of them, and a true Copy of the same to the other, shall immediately undertake the Office of Way-wardens for the Parish for which they are appointed, and shall execute the same until others be appointed the Year following; and the Persons so appointed

Justices to appoint Way-wardens.

as Way-wardens shall, within Ten Days after Notice of their Appointment, repair to some one or more Justices of the Peace, and there take the following Oath, viz.

Way-wardens
Oath.

1740.

I A. B. do swear, That I will impartially execute the Office of Way-warden for the Parish (here name the Parish for which he is appointed) according to all the Powers and Directions given by an Act of this Island, intituled, An Act for the more effectually cleaning and amending the Highways in this Island, and to repeal an Act, intituled, An Act for repairing Her Majesty's Highways; without Hatred or Favour to any Person whatsoever.

So help me God.

Justice, on
Neglect of
Duty, to forfeit 20*l*.

Disposition of
the Forfeiture.

Penalty on
Way-warden's
Refusal to
serve.

Proviso.

Power of the
Justices.

III. AND be it further enacted by the Authority aforesaid, That if any Justice of the Peace shall fail to do his Duty in any Respect, as by this Act is before or hereafter required, he shall forfeit Twenty Pounds current Money of this Island for every Offence or Neglect, to be recovered in any Court of this Island by Action of Debt, wherein no Effoign, Protection, or Wager of Law, or any more than one Imparlance shall be allowed; and one Moiety of the said Forfeiture shall be applied to the Use of the Informer suing for the same, and the other Moiety to the Use of His Majesty, His Heirs, and Successors, and be paid into the publick Treasury of this Island; in which Action the Informer, if he recover, shall recover also full Costs.

IV. AND be it further enacted by the Authority aforesaid, That if any Person so appointed to be Way-warden for any Parish shall refuse to accept the said Office, and to procure himself to be sworn, as herein is directed, he shall forfeit the Sum of Twenty Pounds current Money of this Island, to be levied by Distress on his Goods and Chattels, and Sale thereof by publick Outcry, as is usual in like Cases, by Warrant under the Hands and Seals of any Two Justices of Peace, directed to the Provost-marshal, or his lawful Deputy; and in such Case the Justices of the Peace shall nominate some other fit Person to serve as Way-warden, who shall, upon like due Notice, take upon him the Office, under the like Penalty.

V. PROVIDED always, That no Person shall be liable to any Penalty for his Refusal to serve as Way-warden, who shall prove to the said Justices of the Peace, that there are other Persons legally qualified, and residing in the Parish, who have not served that Office since himself last did serve it, or that he fined for the same; and if the said Justices shall not allow the said Excuse, then the Party conceiving himself aggrieved may appeal to the Governor and Council, who are hereby empowered to hear and finally determine the Confirmation or Disallowance of such his Nomination to that Office.

VI. AND be it further enacted by the Authority aforesaid, That in case it shall hereafter happen that any Way-warden shall die or remove off the Island during the Time of his Appointment to serve that Office, or that by the Justices Neglect to nominate Way-wardens at the Time directed by this Law, or that by any other Occasion whatsoever there shall not be Two Way-wardens in any Parish, that then Two Justices shall have the same Powers as are before given by this Act to nominate and appoint one or more fit Person or Persons to serve the said Office until others shall be legally appointed; which Person or Persons so appointed shall be obliged to take upon him or them the said Office, or else shall be fined, as before in this Act is directed.

VII. AND

VII. AND be it further enacted by the Authority aforesaid, That all Way-wardens shall, within Ten Days after being sworn into that Office, and within Three Days after all great Rains, view the several Highways within their respective Parishes, and whenever the said Ways shall want amending, the said Way-wardens shall issue their Warrant to the Constable or Constables of their Parish to summon the several Inhabitants thereof, who are Owners, Possessors, or Managers of Slaves, to send such a Proportion of their Slaves to work on the Highways, as the Way-wardens in their said Warrant shall direct, not exceeding one eighth Part of their whole Number, according to the List last taken upon Oath by a Justice of Peace of all Slaves within that respective Parish; and every Justice of Peace, who shall at any time take a List of the Slaves within any Parish of this Island, is hereby required to deliver, upon reasonable Demand, to the respective Surveyors of that Parish a true Copy of that List.

17401
Way-wardens to issue their Warrant for amending the Highways

VIII. AND be it further enacted by the Authority aforesaid, That every Person so summoned, not being a Woman, shall attend with his Slaves in Person, or else send some other white Person to take the Care of his Slaves, and assist in cleaning and amending the Highways, from Day to Day, until discharged by the Way-wardens, or One of them; and every Slave sent to the Highways shall carry one sufficient Hough, and every Man-servant shall carry a Bill or Cutlash besides the Hough; and every Person sending Ten or more Slaves for his Quota, shall send with them one Iron Crow or Pick-ax, to be employed in working on the Highways.

Slaves to work on the Roads till discharged by the Way-wardens.

IX. AND be it further enacted by the Authority aforesaid, That the said Summons for attending the Highways shall be given to each Person at least Thirty six Hours before the Time appointed for Attendance; and if any Person duly summoned shall refuse or neglect to send their full Proportion of Slaves, or to attend himself, or, in his Absence, to send a white Person to take Charge of them, he shall forfeit for the white Person the Sum of Six Shillings for each Day, and for every Slave so wanting of their Quota, the Sum of Three Shillings for each Day.

Masters of Slaves to have 36 Hours Notice.

Penalty on Default of Attendance.

X. PROVIDED always, That no Person who is not Owner of more than Four Slaves, shall be obliged to send any to the Highways, but he shall be obliged to attend in Person, under the Penalty aforesaid.

Provido.

XI. AND be it further enacted by the Authority aforesaid, That the Way-wardens are hereby required, within Three Days after their amending the Highways at any time, to return under their Hands unto the Governor, Lieutenant-governor, or President of the Council for the time being, a just and true List of all the Defaulters within their respective Parishes, who failed of having a white Person attending at the Repair of the Highways, or sending a just Proportion of their Slaves, as ordered by the Way-wardens Warrant, and of their particular Defaults; and the Chief Governor, Lieutenant-governor, or President of the Council, is hereby empowered and required to issue his Warrant under Hand and Seal to the Provost-marshal, or his lawful Deputy, to levy on the Goods and Chattels of each several Defaulter sufficient to pay the Forfeiture of such his Default, with Charges, and to make Sale thereof by publick Outcry at the nearest Town, as is usual in like Cases; and whenever the Negroes are summoned to amending the Highways, the Way-wardens shall direct them to meet at any Part of the Highways that they shall appoint in their respective Parishes, and to continue working on the said Highways in such Manner as the Way-wardens shall direct, for repairing all the Highways in the Parish until they are finished.

Way-wardens to return Defaulters in 3 Days.

Penalties how to be levied.

XII. AND be it further enacted by the Authority aforesaid, That it shall be lawful for the Way-wardens, or one of them, to direct, or cause to be made, convenient Drains or Sluices for carrying the Waters out of the

Drains to be cut.

1740.

Highways into any adjacent Lands, without being liable to Molestation or Action for the same, provided it can be done without great apparent Damage to the Possessors of the said Lands: And where it shall happen that some particular Part of a Highway shall be washed by great Rains, or otherwise out of Repair, so that a few Hands may mend it, the Way-wardens, or one of them, shall and may direct the Masters, Managers, or Occupiers of One, Two, or more of the adjacent Plantations, to attend with a proportionable Number of Slaves and amend the same, and such Work, according to the Number of Slaves employed thereon, shall be allowed to the Persons who attend and send their Slaves thereon, out of the next general Attendance and Work that shall be in the Parish on their Highways.

Highways to
be turned
through Lands
on Occasion.

XIII. AND be it further enacted by the Authority aforesaid, That where the Highways shall happen to be washed into Gutts by great Rains, or otherwise rendered impassable, and not fit to be amended, there it shall be lawful for the Surveyors, with Consent of the major Part of the Freeholders then present at amending the Highways, to turn the Highway through the nearest adjacent Land; and in that Case the Surveyors, and Two Freeholders, shall agree with the Proprietor of the said Lands for the Value of the Land so taken up for the Highway, which if the Proprietor shall refuse to do, or be absent from the Island, then the Surveyors and Two Freeholders shall appraise the said Land or Damage which the Owner or Possessor, or both, shall sustain by the Highways being made through his or her Land, and report the same under their Hand, and upon Oath taken before any Justice of the Peace, which Report shall be a sufficient Voucher to the Treasurer for the time being to pay the said Appraisement out of the publick Treasury.

Owners to be
satisfied out of
the Treasury.

Owners to be
paid all Dam-
ages happen-
ing to their
Slaves.

XIV. AND be it further enacted by the Authority aforesaid, That if any Slave by working on the Highways shall happen to be killed, or otherwise damaged, the Way-wardens, or one of them, shall certify the Value of such Slave, or the Hurt he has received, on his or their Oaths before a Justice of the Peace under his or their Hands, according to the best of his or their Judgements, and the Value of such Slave, or the Damage he has received, shall be paid for out of the publick Treasury on such Certificate.

Breadth of the
Roads.

XV. AND be it further enacted by the Authority aforesaid, That the King's lower Highway which leads round the Island shall be full Twenty four Foot wide, and the upper Highway shall be Twelve Foot wide, except the Hill Sides of the several Gutts, and except particular Places on the *Old Road Bay*, and elsewhere, where the Path cannot be extended to that Breadth without very great Labour and Difficulty, and in those Places it shall be sufficient that the Highway be kept repaired to the Breadth it has usually been or can be conveniently extended to; and all other Highways in any Parish shall be kept open and amended to the Width they have customarily been used to be; and no Part of the upper or other Highways shall be hereafter opened or deemed as such, which have not been kept open and used within Seven Years before the Date of this Act, and the Way-wardens are strictly required to keep all the Highways in their several Parishes extended and repaired to the aforementioned Extents.

Measure of
some particu-
lar Paths.

XVI. BE it further enacted by the Authority aforesaid, That the Path leading from *Francis Guichard junior's* Shop, in the Town of *Sandy Point*, to the Southermost Bounds of the Plantation of *Benjamin Markbam junior*, Esquire, shall remain as allowed by the Commissioners for Sale of the *French* Lands; any thing herein contained to the contrary thereof in any wise notwithstanding.

XVII. AND

XVII. AND be it further enacted by the Authority aforesaid, That if any Person has encroached on the Highway with his Fences, or shall hereafter neglect to cut, trim, and keep low all the Trees, Hedges, and Fences within his respective Plantation, so as the same may not be an Encroachment or Nuisance to the Highway, or shall throw any of the Trimmings or Loppings of his or their Fences, or any thing out of his or their Land into the Highway, in such Case the Surveyors, or one of them, shall give Notice under their Hands to the Possessor or Occupier of the Land to remove his Fences, or to cut and trim the same, so as the Highway may be of the full Breadth or Extent directed by this Act; which if the said Possessor or Occupier shall refuse or neglect to do within Fourteen Days after such Notice given him, and being thereof convicted by the Oath of one of the Surveyors before any Justice of the Peace, he shall forfeit the Sum of Ten Pounds, to be levied on his Goods and Chattels by Warrant from the said Justice, directed to the Provost-marshal, or his lawful Deputy, as usual; and the Surveyors at the next repairing the Highways may cut down and lay waste all the Fences of such Person or Persons so refusing, as aforesaid, to remove or trim their Fences, that the Path may be of its just Breadth.

1740.

Penalty on Owners encroaching on the Highways.

XVIII. PROVIDED always, That where the Lands on the two Sides of a Highway are possessed by Two distinct Owners, there the Person who by the Evidence of the Neighbours, or otherwise, shall appear to the Way-wardens to have encroached on the Highway by his Fences, shall be deemed the Offender, and the only Person liable to the Penalty aforesaid.

Proviso.

XIX. AND whereas several Persons have made a Practice of feeding and pasturing their Cattle and Stock along His Majesty's Highways in this Island, which not only proves an Obstruction to the Roads, and inconvenient to Passengers, but is frequently attended with Damages and Trespasses to Persons whose Lands lie contiguous to the said Roads; be it enacted by the Authority aforesaid, That immediately from and after the passing of this Act, no Person or Persons whatever, shall presume to feed or pasture any Cattle or other Stock in the Highways or publick Paths of the said Island, under Penalty of Three Shillings for each Head of Cattle or other Stock, to be levied by Warrant under Hand and Seal of one of His Majesty's Justices of the Peace for the said Island; one Half whereof to be paid to such Person as shall inform of the same, and the other Half to be paid to the Church-wardens of the Parish where such Offence is committed, for the Use of the said Parish.

Penalty on feeding Cattle by the Sides of Roads.

XX. AND whereas the Highway which leads through the Mountains from the Parish of *Christ Church Nichola Town*, on the Windward Side of this Island, to the Parish of *St. Thomas Middle Island*, on the Leeward Side of the same, though it be not of that general Advantage as formerly to the whole Island, yet is still of great Convenience to Travellers who have Occasion to pass from one of these Parishes to the other, and may be of greater Advantage, by keeping a free and easy Communication of one Part of the Island with the other, in case of a War; be it therefore enacted by the Authority aforesaid, That the Way-wardens of *Nichola Town* shall twice every Year summon an usual Quota of Negroes of their Parish, with white Persons to attend them, and to meet at the Path leading up to Mr. *Spooner's* lower Work, and from thence the Way-wardens shall clean and repair the said Highway to the Bottom of *Nine Turn Gutt*, making the same at least Eight Foot wide, and fit for Travellers on Foot or on Horseback; and in like Manner the Way-wardens of *St. Thomas Middle Island*, shall clean and amend the said Highway on the Leeward Side of the said

Directions to the Way-wardens of *Nichola Town*,

and of *St. Thomas Middle Island*.

1740. *Proviso.* said Island, from the lower Highway to the Bottom of the said *Nine Turn Gutt.*

XXI. PROVIDED nevertheless, That it shall be lawful for the said Way-wardens to agree with *Charles Pym* Esquire, or the Person who shall at any time be in the Possession of the Plantation through which the said Highway passes, to keep the same in constant Repair, and to allow the said *Charles Pym*, or other Person, for their said Work in proportion for the same out of the general Attendances and Work that shall be in that Parish on their Highways.

How Disputes about private Paths shall be settled. XXII. AND be it further enacted by the Authority aforesaid, That where any Proprietor of Land claimeth a Right, or hath a Necessity for a Path which is to go through another Man's Land below him, and any Dispute shall arise thereon, there the Way-wardens, or one of them, with Two Freeholders, One to be made Choice of by each Party, shall have full Power to adjudge and determine the same, and to lay out a Path at the Expence of the Party that desires the Path, with the least Inconvenience that may be to each Party; but the Way-wardens shall first swear the Freeholders to do Justice without Favour or Affection; and if one Party doth neglect to make Choice of a Freeholder, or doth not appear at the Time appointed, the Surveyors, or one of them, and the Freeholder made choice of by the other Party, shall determine the same.

Proviso. XXIII. PROVIDED, That no Person shall be intitled to Two private or Plantation Paths through another Man's Lands at one and the same Time.

Penalty on disturbing Officers in the Execution of their Office. XXIV. AND be it further enacted by the Authority aforesaid, That every Constable refusing or neglecting to execute any Precept of the Way-wardens; and any Person disturbing the Way-wardens, or Constables, or any of them, in the due Execution of their Offices, and being thereof convicted upon Oath before any Justice of the Peace, shall forfeit the Sum of Five Pounds for every Offence, to be levied by Warrant under the Hand and Seal of the said Justice, directed to the Provost-marshal, or his lawful Deputy.

Common Foot Paths to be 6 Foot wide. XXV. AND whereas it is highly necessary that the common Paths leading up to the several Rivers in this Island be kept open, for the Convenience of the Inhabitants thereof to fetch Water from thence; be it enacted by the Authority aforesaid, That all Paths commonly known and used for River Paths be kept open at least Six Foot wide, so that free Ingress may be had thereto; and in case they should be less, the Way-wardens are hereby authorized and impowered to open the same, so that they do not exceed Six Foot; and any Person offending, or stopping any of the said Paths, shall forfeit and pay the Sum of Five Pounds current Money, to be recovered and applied as is in this Act before directed: Provided, That this Clause, or any Part thereof, does not extend to such Persons who have any real Property in any of the Rivers aforesaid.

Penalty.

Penalty on publick Nuisances.

XXVI. AND whereas several Persons have used a Practice very pernicious to the Inhabitants, and others in the several Towns of this Island, by throwing of Dung, and other Filth, and making of Sinks, so that the same runs through the Streets thereof, to the great Nuisance of the said Inhabitants; for the remedying so great an Evil, be it enacted by the Authority aforesaid, That any Person so offending, either by throwing of Dung, or other Filth, or by making of Sinks, and do not immediately, upon Notice thereof by any of the Way-wardens in the Parish where any of the Offences aforesaid are committed, remove the same, and being convicted thereof before one or more Justices of the Peace for the said Island, shall forfeit and pay the Sum of Five Pounds for each such Offence; one Half whereof to be paid to the Informer, and the other Half

to

to the Church-wardens of the Parish where such Offence is committed, for the Use of the said Parish, to be levied by Warrant of Distress under the Hand and Seal of one or more Justices of the Peace for the said Island, which Warrant shall be directed to any Constable of the Parish where such Offence is committed.

1749.

XXVII. AND whereas great Inconveniencies arise by clearing the Mountains and Woods near the Heads of Rivers and Springs, in drying up the Streams, by exposing them to the Sun; be it enacted by the Authority aforesaid, That all Persons that shall clean or cut down, or cause to be cleaned or cut down such Woods near any Heads of Rivers or Springs that run into the publick Rivers of this Island, within Forty Yards of such Heads of Rivers or Springs, shall forfeit and pay the Sum of Ten Pounds current Money, to be levied and disposed of as is herein after directed; and if any Way-warden shall neglect his Duty, by suffering the Ways to lie unrepaired or uncleansed, or otherwise contrary to this Act, he shall, upon Complaint made to any Justice of Peace upon Oath, be bound to appear at the next Session to answer the same, or may be presented at the Sessions for the same, and be there proceeded against in the Discretion of the Court.

Penalty on cutting down Woods near Spring-heads.

XXVIII. AND be it further enacted by the Authority aforesaid, That all Fines and Forfeitures arising by this Law, and not otherwise herein disposed of, shall be for the Use of the respective Parish where such Default is made; and the Provost-marshal, or his lawful Deputy, is hereby required and obliged to pay unto the Church-wardens of such respective Parish, or one of them, all such Sum or Sums of Money arising for Offences committed against this Act, and not otherwise disposed of, within Ten Days after he shall have received the same; and the said Monies are hereby appropriated in the first Place to amending the Highways, if necessary, or else to any other Contingencies of such said Parish; and if any further or other Sum or Sums of Money shall at any time be thought necessary by the Way-wardens, and the Majority of the Parishioners present, to be expended towards amending or keeping in Repair the Highways of any Parish, there it shall be lawful for the Way-wardens to expend such necessary Sums; and the Church-wardens of such Parish are hereby required and empowered to pay the same out of the Monies in their Hands, or which shall come to their Hands by any Act of Vestries, for the Uses of such said Parish: And if any Person or Persons whatsoever shall be sued or molested for any thing done by virtue of this Act, he or they may plead the General Issue, and give this Act in Evidence in such Suit; and if the Plaintiff in such Suit be nonsuited, or discontinue his Action, or a Verdict be found against him, or Judgement be awarded against him on Demurrer, in each and every of the said Cases such Plaintiff shall pay treble Costs of Suit.

Disposition of Fines.

General Issue.

Treble Costs.

XXIX. AND be it further enacted by the Authority aforesaid, That this Act shall be deemed a General Act, and all Judges, Justices, and Juries are to take Notice thereof accordingly.

XXX. PROVIDED always, That this Act shall not be in Force until confirmed by His Most Sacred Majesty; and after Confirmation thereof by His said Majesty signified to His said Majesty's Chief Governor of His *Leeward* *Charibbee* Islands, and thereupon a Publication of this Act made by the Provost-marshal, or his lawful Deputy; this Act, and every Clause, Matter, and Thing herein contained, shall be, enure, remain and continue in full Force, Vigour, and Effect in this Island for ever.

1740.

No 112.

An Act for constituting a Court Merchant.

Preamble.

WHEREAS many Differences happen between Persons trading to and from this Island, and others resident thereon, which by reason of the Necessity of the sudden Departure of such trading Persons, and of the Witnesses concerned therein, cannot be decided in the usual Courts according to the ordinary Times therein accustomed and allowed, to the great Detriment and Injury of such trading Persons: For the preventing whereof, we Your Majesty's most loyal and obedient Subjects, the Governor and Commander in Chief of all Your Majesty's *Leeward* *Charibbee* Islands in *America*, and the Council and Assembly of Your Majesty's Island of *St. Christopher*, humbly pray Your Most Sacred Majesty that it may be enacted and ordained, and be it, and it is enacted and ordained by the Authority aforesaid, That the Chief Judge of this Island for the time being, or, in case of his Death, Absence, or Sickness, the Eldest Assistant, upon Petition of any Person or Persons who shall hereafter arrive, and such Person or Persons first making Affidavit in Writing before the Chief Judge for the time being, or any Assistant of the Court of King's-bench and Common-pleas of this Island, in Manner and Form following, viz.

The Oath.

I A. B. do swear, That I do fully design and intend to depart from this Island in the Ship or Vessel ^{now lying in the} Road of ^{within this Island, by the first Departure} of the said Ship or Vessel from this Island; and that I did not at my coming to this Island, or at any Time since, intend to reside in this Island for any Time exceeding Six Months after my Arrival here; and that the Goods by me sold, and for which I do now desire to have this Court called, are belonging to myself, or to Persons not residing within this Island, and are not, directly or indirectly, sold for the Benefit or Advantage of any Person or Persons residing within the same.

Court Merchant to be held in Four Days after petitioning.

Shall cause a Court to be held within Four Days after such Petition delivered, and the making due Publication thereof: And that such Person or Persons so petitioning, as aforesaid, shall file a Declaration in the Secretary's Office of this Island, as usual in other Cases, a true Copy thereof, attested by the Secretary, or his lawful Deputy, and annexed unto a Writ of Summons, which Writ of Summons shall be in the Form following;

Form of the Writ of Summons to the Defendant.

GEORGE the Second, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, &c. To Our Provost-marshal of Our Island of St. Christopher, or his lawful Deputy, greeting:

WE command you to summon A. B. to be and appear before Our Justices of Our Court Merchant to be held for this Island the Day of ^{next, at} ^{of the Clock in the Fore-} noon, at the Town of ^{then and there to answer the} Action or Actions commenced against him by C. D. and hereof you are not to fail, as you will answer the contrary at your Perils, and do then and there make

make a due Return of this Writ of Summons.

Witness

or

Our Chief Justice of Our said Island,
Our Eldest Assistant.

1740.

Which said Declaration and Writ of Summons annexed, shall be served upon the Person of the Defendant, or left at his House or most usual Place of Abode, at least Two Days before the Sitting of the Court: And if the Defendant makes Default, and Oath made of being duly summoned, or appearing shall not join Issue of the Matter of Fact, or plead some good Matter in bar of the Action, or in Abatement of the Writ or Demur, the Plaintiff's Evidence shall be taken, and Judgement shall be immediately entered against the Defendant; but if the Defendant join Issue, plead or demur, then a Day shall be given for Trial of the said Matter of Fact, or determining the said Matter of Law the next ensuing Court, which shall be held within Four Days after the Sitting of the former; and if at that Day the Defendant make Default when called, Judgement shall be entered against him, as aforesaid, and if he does appear, then the Fact to be tried by the Jury to be summoned the Day before: And if any Plea in Abatement, or Demurrer be allowed by the Court, then the Plaintiff shall immediately amend, paying Fourteen Shillings Cost, and the Defendant shall then join Issue, and Judgement shall be immediately given on the Verdict, unless the Defendant desire a Day to move in Arrest of Judgement, which shall be granted by the Court, so that it be not above Three Days longer Time; and Execution shall issue thereon the next Day after Judgement, either by *Fieri facias* to take the Goods, or *Capias ad Satisfaciendum* to take the Body of the Defendant, at the Plaintiff's Election, unless Judgement staid by Motion in Arrest of the same; and in case the Plaintiff shall neglect to appear at any Sitting of the Court, when called, then a Nonsuit to be entered against him.

Form of Proceedings of the Court Merchant.

II. PROVIDED always, That if any Person shall continue longer upon this Island than Six Months together, he shall be deemed a Resident, and not intitled to the Benefit of this Act; any thing herein before contained to the contrary thereof in any wise notwithstanding.

When to be deemed a Resident.

III. AND be it further enacted by the Authority aforesaid, That whenever any Goods, Chattels, and Negroes, Sugar, Rum, Cotton, Molasses, Ginger, Indigo, Tobacco, or any other the Produce of this Island, shall be taken in Execution by virtue of this Act, that a Warrant shall issue under the Hand and Seal of the Chief Justice of this Island, or, in case of his Sickness or Absence, under the Hand and Seal of the Eldest Assistant of the Court, commanding the Plaintiff and Defendant, within Two Days, to nominate Two Persons, on each of their Behalf, within and appraise upon Oath, as usual, such Goods, Chattels, Negroes, Sugar, Rum, Cotton, and other the Produce of the said Island, as above mentioned, together with the Cask or Bag wherein the same is contained; and in case either Party shall refuse to nominate Appraisers, as aforesaid, or that the Appraisers so nominated shall neglect or refuse to act, or shall not agree at what Rate to value the said Goods, that then, and in such Case, the Chief Judge, or, in his Sickness or Absence, the Eldest Assistant, is hereby ordered and directed to nominate an Appraiser or Umpire to value the same; and the said Commodities when valued and appraised, as aforesaid, shall be delivered to the Plaintiff in Satisfaction of his Debt; and if such Goods, when appraised, shall come to more than will pay the Plaintiff's Debt, that in such Case the Plaintiff shall satisfy the Defendant for such Overplus.

Proceedings on Goods taken in Execution.

IV. AND

1740.
Penalty on
Appraisers or
Umpire refus-
ing to act.

IV. AND be it further enacted, That when any Appraiser or Appraisers, or Umpire, so nominated, and being duly served with the Warrant, shall neglect or refuse to act pursuant to such Warrant, he or they shall respectively forfeit the Sum of Twenty Pounds current Money of this Island, and an Attachment to issue against such Person or Persons refusing to pay the same; and when paid, to be applied to the Use of His Majesty, His Heirs, and Successors, one Moiety towards building and repairing the Forts and Fortifications of this Island, and the other Moiety towards defraying the Charges of the Court; and if such Umpire appointed by the Chief Justice or Eldest Assistant, shall refuse to act, as aforesaid, that then the Chief Justice, or Eldest Assistant, is hereby authorized to appoint any other Person to be Umpire, who shall be under the same Penalties as Appraisers and Umpires before mentioned.

What shall be
deemed a legal
Tender.

V. AND be it further enacted by the Authority aforesaid, That Sugar, Rum, Cotton, Molasses, Ginger, Indigo, Tobacco, or any other merchantable Commodities of the Produce of this Island, brought down to any legal Paying-place in this Island (unless a Place be particularly agreed on) in Cask or Bags, and there tendered (Four Days Notice being given of such Tender) shall be a good and legal Tender in all Cases within this Act, provided the same be tendered at a Price that shall be approved by the Jury that tries the Cause.

Court for Tri-
al of Actions
not exceeding
100 £.

VI. AND be it further enacted, That the Chief Justice of this Island, or, in case of his Death, Absence, or Sickness, the Eldest Assistant, and any Two of the other Assistants, be, and are hereby appointed and authorized to hold a Court for Trial of all Actions of Debt, or Case for Goods, Wares, and Merchandizes, not exceeding the Sum of One hundred Pounds, which shall be prosecuted, as aforesaid, by any transient Person against a Resident of this Island, or by a Resident against a Transient, or by a Transient against a Transient.

Court Charges.

VII. AND be it further enacted, That all Actions prosecuted by virtue of this Act, the same Fees shall be paid to the Chief Justice, Secretary, and Marshal, as are taken by the Docket of Fees appointed for that Purpose, with this Alteration only, that where any Cause comes to be tried by a Jury, the Plaintiff shall pay down Forty two Shillings current Money of this Island into Court, to defray the Charges of the Jurors, which is to be paid equally amongst the Jurors, after a Verdict brought in, and not before; which said Forty two Shillings shall be allowed in Costs of Suit.

Manner of
Residents su-
ing Transients.

VIII. AND be it further enacted by the Authority aforesaid, That where any Person or Persons, being a known Resident or Residents, Freeholder or Freeholders within this Island, shall desire any Court to be called by virtue of this Act, for the prosecuting any transient Person for Debt, or in any Action of the Case for Goods sold, not exceeding One hundred Pounds, such Person or Persons, so desiring such Court to be called, shall not be obliged to make any such Affidavit as is required where the transient Person is the Plaintiff, but shall and may proceed by Warrant of Arrest, as is usual against such transient Person or Persons, who shall be obliged to find Security, by Two sufficient Freeholders, to answer the Effect of the Suit, and satisfy the Judgement, or else to surrender the Body of the Defendant, as usual in Cases of Bail, or else the Defendant shall be and remain in Custody; and in the last mentioned Case the Plaintiff shall only be obliged to file his Declaration Two Days, exclusive, before the next Court Day, and shall not be obliged to any other Service thereof.

IX. AND be it, and it is hereby enacted by the Authority aforesaid, That all Debts due, as aforesaid, not exceeding Ten Pounds current Mo-

ney

ney of this Island, shall be determined, upon Complaint, by the Court alone, without a Jury, for which no more Fees shall be taken than for Complaints in the Courts of King's-bench and Common-pleas. 1740.
Small Debts.

X. AND be it enacted by the Authority aforesaid, That all Courts Merchant to be called by virtue of this Act, shall be held in the Town nearest to the Place of Abode of the Defendant. Court Mer-
chant next to
the Defendant.

XI. AND be it further enacted by the Authority aforesaid, That the Court hereby established shall be a Court of Record for and during the Continuance of this Act; and the Jurors making Default of Appearance, shall be liable to be fined by the Court in a Sum not exceeding Forty Shillings. Court of Re-
cord.
Jurors De-
fault.



An Act for reviving an Act, intituled, An Act for continuing an Act, intituled, An Act for continuing the Work of the Fortifications, Forts, and Batteries of this Island, and for obliging all Owners and Possessors of Slaves to send a Proportion of their said Slaves to the same, for such Time as therein is mentioned; and for amending and altering several Parts and Clauses in the said Act mentioned and contained. No 113.
Expired.



An Act for appointing James George Douglas Esquire, Agent in Great Britain for the Island of St. Christopher, in the Room of Richard Coope Esquire; and for settling a Salary upon him during the Time of his Agency. No 114.

WHEREAS Richard Coope Esquire, late Agent in Great Britain for the said Island of St. Christopher, hath declared his Resolution of not acting longer in that Capacity: And whereas it is highly necessary that the People of this Island should have a proper Person to transact their publick Affairs in the Kingdom of Great Britain: We therefore Your Majesty's most dutiful and loyal Subjects, the Commander in Chief of all Your Majesty's Leeward Charibbee Islands in America, the Council and Assembly of Your Island of St. Christopher, taking the same into Consideration, have chosen James George Douglas Esquire, to be Agent for the said Island; and we do most humbly pray Your Most Excellent Majesty New Agent
chose.

1740.

**Salary settled
on the new A-
gent.**

Majesty that it may be enacted, and be it, and it is hereby enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the said Commander in Chief, the Council and Assembly of the said Island of *St. Christopher*, and by the Authority of the same, That *James George Douglas* Esquire, be, and he is hereby appointed to be Agent for the said Island in the Kingdom of *Great Britain*; and that he the said *James George Douglas* shall have and receive out of the Treasury of the said Island, yearly, and every Year, during the Time he shall continue Agent for the said Island, the Salary of One hundred Pounds Sterling Money of *Great Britain*, the first Payment thereof to begin and be made within one Year next and immediately after the Date of this Act; and the Treasurer of the said Island for the time being is hereby impowered and ordered to ship or remit, yearly, and every Year, out of the publick Levies raised or to be raised within the said Island, sufficient to pay and discharge the said Salary.

F I N I S

A N
ABRIDGMENT
OF THE
Acts of Assembly,

PASSED in the
Island of *St. Christopher;*

From 1711, to 1740, inclusive.



L O N D O N :

Printed, by Order of the Lords Commissioners of Trade
and Plantations, by *John Baskett*, Printer to the
King's Most Excellent Majesty. M.DCC.XL.

ABRIDGMENT

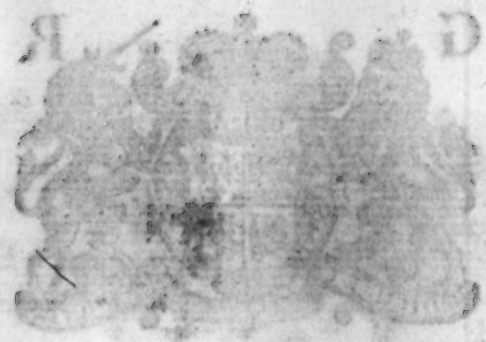
OF THE

Acts of Assembly

PASSED IN

Island of St. Christopher;

From 1711, to 1740, inclusive.



LONDON

Printed by Order of the Lords Commissioners of the
Treasury, in the Strand, by John Baskett, Printer to the
King, at the Sign of the Sun in St. Dunstons Church-yard.

GENERAL

Heads or Titles

In the following

ABRIDGMENT.

A Assemblies,
Actions, *vide* Courts.
Agent,
Alarms, *vide* Militia.

Page 169

171

B

Ballast,
Bail, *vide* Courts.
Bottles, *vide* Liquors.
Brimstone-hill,
Building, *vide* Brimstone-hill.

ibid.

ibid.

C

Courts, *vide* also Offices,
Churches and Church-wardens, *vide* Pa-
rishes, and Rectories.

172

173

D

Damages, *vide* Courts.
Dragoons, *vide* Militia.

E

Estates, *vide* also Courts,
Elections, *vide* Assemblies,
and Rectories.
Executions, *vide* Courts.

F

Fees,
Felons, *vide* Slaves.
Flour,
Fortifications, *vide* Brimstone-hill.
Freeholders, *vide* Assemblies,
Courts,
Estates,
and Rectories.

G

GAOL, *vide* Courts.
Goats, *vide* Trespassers.

H

Hawkers,
Harbouring of Runaways, *vide* Ver-
bants and Slaves.
Highways.
Houses, *vide* Brimstone-hill.

Page 178

ibid.

I

Import on Imports, 179
on Exports, 180
Impounding, *vide* Trespassers.
Infection, ibid.
Invasion, *vide* Militia.
Judges, *vide* Courts.

K

Killing of Slaves, *vide* Slaves.
— of Meat, *vide* Markets.

L

Liquors, 181
Lazarettoes.
Licences, *vide* Liquors.
Lotteries, 183
Londonderry, *vide* Brimstone-hill.

M

Markets, ibid.
Masters of Ships, *vide* Powder Duty,
Seamen,
and Merchants.
Militia, 184
Mortgages, *vide* Estates,
and Register.

N

Naval Office, *vide* Seamen.
Negroes, *vide* Slaves.

O

Offices and Officers, 187
Old Road, *vide* Markets;
and Offices.

U a 2

Parishes,

	P		Sessions, <i>vide</i> Servants.	
		Page 187	Slaves,	Page 191
P	Parishes,		Small Pox, <i>vide</i> Infection.	
	Plague, <i>vide</i> Infection.		Small Arms, <i>vide</i> Powder Duty.	
	Powder Duty,	188	Sugars,	194
	Protested Bills of Exchange, <i>vide</i> Courts.		Surgeons, <i>vide</i> Infection.	
			Surveyors, <i>vide</i> Powder Duty, and Highways.	
	Q		T	
Q	Qualifications, <i>vide</i> Assemblies.		Trespases,	ibid.
	Quarantine, <i>vide</i> Infection.		Trials, <i>vide</i> Courts.	
	Quieting Possessions, <i>vide</i> Estates.		V	
	R		Vestries,	ibid.
		ibid.	Victuallers, <i>vide</i> Liquors.	
R	Register,		W	
	Records, <i>vide</i> Courts, and Offices.		Wages, <i>vide</i> Servants.	
	Rum-punch, <i>vide</i> Liquors.		War, and Watch, <i>vide</i> Militia.	
	S		Wine, <i>vide</i> Liquors.	
S	Samen and Ships,	189		
	Secretary, <i>vide</i> Offices.			
	Servants,	190		



A N

ABRIDGMENT

OF THE

Acts of Assembly

OF THE

Island of St. Christopher.

No 21. *Assemblies.*

I. § 1. **E** *Enacted*, That so often as the Council and Assembly shall be summoned to meet, each Member shall appear to proceed on Business at Nine o'Clock in the Morning (Excuses allowed, if approved by the respective House) on Penalty, if a Counsellor, of Three Pieces of Eight; if an Assemblyman, Eighteen Shillings current Money; to be paid to the Clerk, for the Use of the respective House: And in case of Refusal, the Marshal shall distrain, by Warrant from the Governor, or Speaker of the Assembly.

II. § 2. Provest-marshal neglecting to give timely Notice to the Members of the Time of meeting, according to his Duty, by leaving Writing at their Houses 24 Hours before the Day of meeting, unless by special Warrant upon Emergencies, shall forfeit Forty Shillings; to be deducted out of his Salary due from the Publick.

III. § 3. The Members of the Council and Assembly being at great Charge, shall be allowed six Shillings current Money each Time they meet; to be paid quarterly by the Treasurer, out of the Fund raised upon Tavern Licences.

IV. § 4. And that the publick Affairs may be better attended, and no want of a Quorum of the Assembly, every Person refusing to serve as an Assemblyman, when duly elected, shall forfeit Fifty Pounds; to be recovered by the Governor's Warrant to the Provest-marshal, upon the Offender's Goods, for the Use of the Publick.

V. § 5. *Proviso*, That no Person serving one Year, shall be obliged to serve in the Assembly the Year following, if he certify the same at the Place of Election.

No 12. VI. § 1. **E** *Enacted*, That every white Man professing the Christian Religion, being free-born, or naturalized Subjects, twenty one Years old, and having ten Acres of Land, freehold, in the Island, or Buildings of the yearly Value of Ten Pounds current Money, shall be deemed a Freeholder, and capable of electing, or being elected a Representative.

VII. § 2. And Joint-tenants, who have Shares of Land or Buildings amounting to ten Acres of Land, or Ten Pounds per Annum Value in Building, shall be deemed Freeholders, but

X 2

less than that Quantity or Quality, shall not be esteemed a Freeholder.

VIII. § 3. No Person at Election of Representatives shall be deemed a Freeholder, who shall not produce a Conveyance of his Estate, acknowledged before the Governor, or a Judge of the Court of Common-pleas, and recorded in the Secretary's Office preceding the Date of the Writ of Election, and make Oath if required, that the Deeds produced are real and absolute Deeds, and not under Colour; and that he is in Possession of such Estate, and receives the Profits thereof, and is under no Obligation to surrender the same after voting, or being elected; except Persons who claim by Deeds executed in *Great Britain*, or *Ireland*, and proved there, and recorded in the Secretary's Office; except also such who claim by Will duly recorded, and shall answer such Questions on Oath, as shall be demanded concerning the same by any Freeholder present.

IX. § 4. And if any Person refuse to take such Oath, he shall be debarred from giving his Vote for electing, or from being elected a Representative.

X. § 5. All Writs of Election shall be issued by the Governor, with Consent of the Council, in the usual Form, and directed to the Members of the Council seven Days before the first Day of Election; and the Freeholders of each Parish shall be summoned three Days before their respective Elections.

XI. § 6. To prevent Disputes in taking the Polls, the Person to whom the Writ is directed, shall, in a Paper of several Columns, set down the Names of the Candidates, and cause each Voter to sign under the Name he votes for; which Paper shall be delivered to the Assembly at their first Meeting.

XII. § 7. No two Parishes shall have their Elections in one Day; but shall be, the first Day for *St. Mary's Cayon*; the second, *Christ Church*; and then *St. John Capisterre*, *St. Anne Sandy Point*, *St. Thomas Middle Island*, and *Trinity Palmetto Point*, successively, convened at a proper Place to elect their Representatives.

XIII. § 8. Whoever has a sufficient Estate in freehold in any one Parish, may be elected for any other Parish in the Island, although he has no Estate in that Parish.

XIV. § 9. If any Assemblyman refuse to take the State Oaths, as are appointed in the Governor's Commission, he shall be incapable of sitting and voting; upon which Case, or in case of the Death of any Member, or leaving the Island, the Governor shall, in twenty Days, issue a new Writ for choosing another Person.

XV. § 10. Every Person violating Elections, by false Returns, Menaces, Threats, or Force, or by other indirect Ways procure Votes, or abuse Persons for voting; or any Military Officer or Magistrate attempting to overawe Voters, shall, upon Proof made on Oath before the Assembly, who have Power to ad-

minister the same, and to send for Persons, Papers, and Records, forfeit Fifty Pounds.

XVI. § 11. Persons refusing to deliver such Papers, to be committed by a Justice till they deliver the same, and bound over to the next General Sessions of the Peace, and if there convicted, then to be fined Fifty Pounds.

XVII. § 12. If any such Offender be chosen an Assemblyman, after Conviction of such Practices, he shall be incapable to sit in that Assembly, and liable to the Fines.

XVIII. § 13. If any Person, without just Grounds, shall impeach another as an Offender against this Act, or any Justice of the Peace neglect his Duty, he shall forfeit Fifty Pounds; to be recovered by the Treasurer in the Court of Common-pleas, if the Action be brought within three Courts after the Offence.

XIX. § 14. To prevent perpetuating Assemblies, no Assembly shall continue more than one Year from their first meeting.

XX. § 15. All Disputes about Elections, or Qualifications of Assemblymen, shall be tried only by the Representatives, and the same shall be decided by Plurality of Votes, according to the Practice of the Commons in *Great Britain*.

Nº 71. XXI. § 1. **T**HE last foregoing Act of 1711. for preserving the Freedom of Elections, &c. is hereby repealed.

XXII. § 2. The Number of Assemblymen shall be 24, and 15 shall be a *Quorum*.

XXIII. § 3. The Parish of *St. George Basseterre* shall send four; *St. Peter Basseterre*, two; *St. Mary Cayon*, three; *Christ Church*, two; *St. John Capisterre*, three; *St. Paul Capisterre*, two; *St. Anne Sandy Point*, three; *St. Thomas Middle Island*, two; and *Trinity Palmetto Point*, three.

XXIV. § 4. The Bounds of the three Towns of *Basseterre*, *Old Road*, and *Sandy Point*, are ascertained. See the Act.

XXV. § 5. Every white Freeholder of ten Acres of Land, or of Ten Pounds *per Annum*, if in a Town, shall be Electors in the Parish where their Qualification lies.

XXVI. § 6. Joint-tenants, or Tenants in common, whose Share amounts to ten Acres of Land, or ten Pounds *per Annum*, shall be qualified to vote, or else not.

XXVII. § 7. All Candidates, and Voters at Elections, shall be sworn to their Qualifications, if required; and any Person refusing to swear, shall be deemed unqualified: New Candidates, or Electors, shall produce their Deeds, to prove their Qualifications, or be rendered unqualified.

XXVIII. § 8. No Deed shall qualify any Elector, or Representative, unless it has been proved and recorded before the Date of the Writ of Election; and shall be sworn to by the Owner, at the Election, to be a true Deed, and that he is in Possession, and under no Promise to surrender it after voting, or being elected;

elected; with an Exception in favour of Deeds executed in Foreign Parts, and recorded in the Island, and of those claiming by Wills proved; and the Person to whom the Writ is directed, may ask any Question on Oath, concerning the Qualifications, if required by a Voter or Candidate.

XXIX. § 9. Every Person refusing to take such Oath, shall be deemed unqualified to vote, or be elected.

XXX. § 10. All Writs for Elections shall be issued by the Governor, and directed to the Members of the Council, in the Order prescribed in the Act: And the Members of the Council, who have Writs for taking Polls, shall be sworn to make a just Return: And to prevent Disputes in taking Votes, the Candidates Names shall be set in Paper Columns, and every Voter shall subscribe his Name under it; which Paper shall be delivered to the Representative at his first meeting in the Assembly.

XXXI. § 11. Every Freeholder of twenty one Years old, and having forty Acres of Land, or a House in a Town worth Forty Pounds a Year; or an Heir Apparent to eighty Acres of Land, or Eighty Pounds *per Annum*, may be elected a Representative.

XXXII. § 12. No Judge, Secretary, Marshal, Treasurer, or Person concerned in Taxes, shall be a Representative; nor shall they meddle in Elections, on Penalty of One hundred Pounds: And every Person who shall sit or vote in the Assembly, and not qualified, shall forfeit One hundred Pounds.

XXXIII. § 13. No two Parishes shall elect Members in one Day; the first Election shall be at *St. George Basseterre*, and continue from Eight in the Morning till Twelve at Noon; the second, at *St. Peter's Basseterre*; the third, at *St. Mary Cayon*; the fourth, at *Christ Church*; the fifth, at *St. John Cabesterre*; the sixth, at *St. Paul Cabesterre*; the seventh, at *St. Anne Sandy Point*; the eighth, at *St. Thomas's*; the ninth, at *Trinity Palmero Point*, Day after Day (*Sundays* excepted) at the Hours aforesaid.

XXXIV. § 14. Every Person qualified to be elected in one Parish, may be elected in any other; but every Person elected, and refusing to take the State Oaths, shall be incapable of serving as a Member: And if any Member die, or be absent from the Island, without Leave of the House, above sixty Days, the Governor may issue a new Writ to choose another.

XXXV. § 15. Every Person violating the Freedom of an Election, by false Returns, Threats, Force, or by any indirect Way procure a Vote; or shall abuse any Freeholder for voting otherwise than he would have had him; or any Officer that shall endeavour to over-awe any Freeholder to vote contrary to his Inclination, shall forfeit One hundred Pounds.

XXXVI. § 16. No Assembly shall continue above one Year from the Time of their first meeting.

XXXVII. § 17. Disputes about Elections and Qualifications of Members, shall be decided by the House, as is done by the Commons of *Great Britain*; and no Practice to the contrary shall be drawn into Example, to the Prejudice of the People of the Island.

Nº 88. Agent.

E *Noted*, That *Richard Coope* Esquire, being appointed Agent for this Island in *Great Britain*, shall receive out of the Treasury of the Island, yearly, and every Year, during the Time he shall be Agent, the Salary of One hundred Pounds Sterling Money of *Great Britain*; and the Treasurer is ordered to ship yearly out of the Taxes, Sugar, or other Goods, sufficient to pay and discharge the said Salary.

Nº 57. Ballast.

I. § 1. **E** *Noted*, That Masters of Vessels casting or unloading in any Haven, Road, or Creek, any Stones, Ballast, Rubbish, Gravel, or Filth, but only on Land, above full Sea Mark, shall forfeit Twenty Pounds; Half to the Publick, and Half to the Informer.

II. § 2. Penalties to be recovered before the Council of the Island, or Judges of the King's-bench or Common-pleas; who shall levy the same, by Warrant to the Provost-marshal, on the Goods of the Offender; and for want of Distress, the Offender shall be committed till he pay it.

Nº 43. Brimstone-hill.

I. § 1. **E** *Noted*, That convenient Proportions of Land shall be laid out within the Fortifications thereon; and that any Inhabitant may build a House twenty four Foot in Front, with a Cistern behind it, which they or their Assigns, being resident in the Island, shall enjoy fifty one Years, at a Pepper-corn Rent.

II. § 2. Provided, That no Person shall have more than twenty four Foot in Front, and eighty Foot deep: The Walls of all the Houses are to be of Stone or Board, seven Foot high, and covered with Shingles, and no Thatch to be allowed; and to be built in three Years.

III. § 3. In three Years a Chart shall be made of the Allotments which shall be built upon, with the Names of the Builders, signed by the Governor, one Counsellor, and two Assemblymen, and returned into the Secretary's Office, and there recorded, in order to prevent Disputes about the Property of such Proportions or Buildings.

Nº 95. IV. § 1. **P**roportions of Land to be laid out on *Brimstone-hill*, and in *Charles Fort*, and *Fort Landimerry*, for Inhabitants

Inhabitants to build Houses on, at a Peppercorn Rent: Provided, none have more than twenty four Foot in Front, and sixty Foot in Depth, and built with Stone Walls, and not thatched, and built in the Manner herein directed, within three Years; and no Proportion of such Land or House to be sold to any Persons, but Inhabitants or Freeholders on the Island.

V. § 2. To prevent disputed Titles, so soon as any Person has built a House, the Governor shall give a Patent for it, to him and his Heirs for ever, at the Rent aforesaid.

VI. § 3. Sir Charles Payne's House on *Brimstone-hill*, secured to him and his Heirs for ever.

Nº 1. Courts.

I. § 1. **E** Nacted, That a Court shall be held in this Island, consisting of a Chief Justice, and four other Justices commissioned by the Governor, three whereof shall be a *Quorum*, to try all Causes, Suits, and Prosecutions in the Island, according to the Laws and Customs of *England*, and of this Island, taking first the State Oaths, and the Oath of Office, as therein prescribed.

II. § 2. Courts shall be held alternately in the Leeward and Windward Division of the Island on the second *Tuesdays* in *March, April, May, June, July, and August*, and to be continued or adjourned at the Discretion of the Judges; provided no Adjournment be above ten Days, or to any other Place.

III. § 3. All Entries of Actions shall be ten Days before each Court: In Actions of Account, Bonds, Bills, or *Assumpsit's*, the Plaintiff shall give a Copy of his Account or Charge three Days after the Entering Days are over: And there shall be no Declaration, but a Summons for the Defendant's Appearance, by the Chief Justice, or, in his Absence, by another Judge, in Manner herein prescribed, to be served six Days before Court.

IV. § 4. In all Actions of Slander, Ejectment, Dower, Covenant, Replevin, Detinue, Waste, and Trespas, the Defendant shall be served with a Declaration along with the Summons; in the Defendant's Absence, Notice left at his Dwelling in the Manner here prescribed, shall be deemed a good Summons.

V. § 5. Defendant absent from the Island, and leaving no Attorney, his Effects shall be liable to the Plaintiff's Suit, for Debts contracted in the Island; and a Summons shall be left at his last Abode, and nailed upon the Court-house Door; but if he have a Freehold, the Summons shall be left on the Freehold, and nailed on the Court-house Door.

VI. § 6. If Default be made by the Defendant at the second Court, Judgement shall pass on *Nihil dicit*; provided no Execution shall issue against a Defendant known to be absent

from the Island, till next Court Day: If the Defendant prove he was really absent, and hath good Matter to plead, then he shall be admitted to try for his Remedy; and if no such Matter appear, Execution shall issue; and in Judgements by Default, the Plaintiff proving his Case, the Debt, or Damage, with Cost, as by Writ of Enquiry.

VII. § 7. Provided, where Judgement passeth by Default, when the Defendant is absent, and hath made no Attorney, the Plaintiff shall give Security to refund, if it appear in two Years there was not so much due.

VIII. § 8. Provided also, That if the Defendant be under natural Incapacity, he may, within one Year after such Incapacity is removed, renew the Cause, and try it again.

IX. § 9. On Joinder in Demurrer, the Judges may appoint a Day within fourteen Days after such Joinder, to hear it; and all issuable Pleas shall be tried, if conveniently may be, at the same Court; but upon a reasonable Cause, it may be adjourned to the next Court: Upon Special Plea or Demurrer, the Plaintiff shall file his Replication or Rejoinder seven Days before Court; and if the Defendant pleads Special, he shall file it twelve Days before the second Court, or be obliged to plead the General Issue; and immediately after Judgement, the Judge shall grant Execution in the Form herein prescribed.

X. § 10. Provided, That no Executions shall issue between the last Day of *August*, and the first Day of *March*, yearly.

XI. § 11. But in regard the levying upon Land is difficult to be put in Practice, and to allow the Defendant all reasonable Means to save his Inheritance, it is enacted, That where Judgement shall be had against a Defendant, whose Lands can be let at such a Rent as will in five Years satisfy the Plaintiff, and Five per Cent. Interest, in such Case an Extent may be put in Practice: Provided, that the Plaintiff shall not be obliged to take such Lands at a reasonable Extent; but where Lands are not let out before Judgement, the Defendant shall find a Tenant within thirty Days after Judgement, who will answer the Intent of this Act.

XII. § 12. Where a Jury-action is depending, and a Verdict given, each Juryman shall receive Eighteen Pence out of the Marshal's Fees.

XIII. § 13. If it appear to the Judges in Court, That the Defendant hath not wherewith to satisfy the Judgement, they may grant a *Capias* upon the Judgement.

XIV. § 14. If Goods taken in Execution are appraised, the Judge shall swear the Appraisers in Manner here prescribed: And Goods taken in Execution, shall be published for Appraisement and Sale, and to be sold by publick Outcry, if Lands, in eighty Days; Negroes, in twenty eight Days; other Goods, in ten Days; and Appraisements shall be by two Planters, and

and two Tradesmen, by Warrant from the Judge; and Appraiser refusing to act, shall forfeit Five Pounds.

XV. § 15. Proviso, if the Defendant give double Security, he shall have the forementioned Times allowed him for Redemption, and the Effects shall remain in his own Hands.

XVI. § 16. If the Marshal shall refuse to sign a Bill of Sale of such Estate as is found on the Defendant, to the Plaintiff or Purchaser, he shall forfeit double the Value; and such Bills of Sale shall be signed and sealed, and filed in the Secretary's Office, and shall be valid to the Plaintiff against the Defendant, or any claiming under him by any subsequent Title; and the Overplus on Sale, if any, shall be returned to the Defendant in ten Days, and the Defendant shall pay all Charges; and if Merchandize be seized in the Country, he shall be at the Charge of carrying it to the next Town for Appraisement and Sale, as shall be judged reasonable by the Chief Justice, or other Judge.

XVII. § 17. Depositions of Persons absent by Sickness, or bound off the Island, shall be esteemed in all Actions as Evidence, if taken by a Judge, on two Days Notice to the Party against whom they are taken; and all Persons having Actions brought against them, and acquitted by Verdict, shall have the same Costs, as if Judgement had been given against the Plaintiff by Verdict which acquitted all the Defendants.

XVIII. § 18. Six Days before Court, the *Venire facias* shall issue, to summon Jurymen; and Persons not appearing, or withdrawing without Leave, shall forfeit Forty Shillings; and in case of a Deficiency, a Tale of Standers-by shall be returned by the Marshal, who, on Refusal, shall also forfeit Forty Shillings.

XIX. § 19. This Court may, without a Jury, determine all Actions not above 6*l.* current Money, or 1000*lb.* of Sugar; and also all Cases relating to Servants Wages, or Debts due to Artificers, for Work done, not exceeding 2000*lb.* of Sugar, or 12*l.* current Money.

XX. § 20. No Person to practise Law, or give Advice for Fee or Present, until taking the State Oaths and Test, with an Oath there inserted, and be regularly admitted by the Court, on Penalty of Fifty Pounds; the Oaths to be administered by the Governor, or Chief Justice in Court, and a Certificate thereof shall be filed in the Secretary's Office before Admission.

XXI. § 21. No Lawyer shall be allowed to plead in Court, when another cannot be had for the other Party to oppose him.

XXII. § 22. If there be but two Lawyers to be had, and both be retained on one Side, the Court shall order one of them to return his Fee, and plead for a usual Fee on the other Side, having Respect to his Oath.

XXIII. § 23. The Secretary shall enter all

Declarations, Pleas, or Proceedings, in bound Books, in Words at Length, on Penalty of One hundred Pounds; and his Fees shall be paid by the Plaintiff, and allowed in Costs; and all Writs of *Scire facias*, shall be served at least four Days before each Court.

XXIV. § 24. All Contempts and Misbehaviours in Court, by unhandsome or provoking Language; and all extraordinary Neglects or Offences of Coroners, Marshals, Clerks, or other Officers, shall be punished by Fine, at the Discretion of the Court; and all Fines imposed by this Act, and all Officers Fees, shall be levied by Attachment, signed by the first Judge on the Bench, without any other Suit.

XXV. § 25. All Titles by Ejectment may be brought to Trial in feigned Names; and all Writs of *Habere facias Possessionem*, be executed, as usually in *England*.

XXVI. § 26. Every Marshal's Deputy, or Clerk of the Court, officiating, pleading, or advising as a Counsellor or Attorney, shall forfeit Fifty Pounds.

XXVII. § 27. No Person who is Owner of 15 Acres of Land, or 10 Slaves, or of a Townhouse worth Ten Pounds a Year, shall be liable to a *Capias*, but shall answer by Summons; and all other Persons shall be liable to a *Capias*; and all those who send their Slaves or Effects off the Island, and thereby give Occasion to suspect it is done with a fraudulent Design, shall be liable to Arrests.

XXVIII. § 28. Writs of Error or Appeal, having not usually been allowed under the Value of 300*l.* and the Governor being often absent, it is requested, that the Chief Governor will substitute the Lieutenant-governor, or President of the Council, to receive and hear Appeals, and Writs of Error in his Absence: And all Writs of Error to reverse Judgement, shall be signed by the Chief Governor, or, in his Absence, by his Substitute, who, with four of the Council, shall determine all Errors, or Appeals from this Court, of above the Value of 100*l.* and in all Causes of above the Value of 300*l.* either Party may appeal to the Crown, according to the Directions given in the Governor's Instructions, and that Errors be assigned before the Writ is granted: And all Appeals in the Nature of Error, shall be granted by the Court: And instead of a *Certiorari*, a Warrant from the Chief Justice, on Security given in double the Value, shall oblige the Clerk to return a Transcript to the Judges, in Error; and Judgement shall be given upon Errors or Appeals, in one Month after the Assignment of Error, and Certification of such Records.

XXIX. § 29 & 30. Judges in Error, before they hear Causes, shall take an Oath herein prescribed; and Security in double the Judgement, shall be given upon all Writs of Error and Appeals.

Y y

XXX. § 31. All

XXX. § 31. All Fines imposed by this Act, and not otherwise applied, shall be Half to the contingent Charges of the Court where imposed, and Half towards maintaining of Prisons.

N. B. The forementioned Act, N^o 1. was repealed by the 63d Clause, or Section, of the Act, N^o 59, passed in 1724. but there appearing some material Objections against that Act of 1724, it was refused Approbation by the Crown, but suffered to remain probationary; therefore both the Acts are printed.

N^o 59. XXXI. § 1. **E** Nacted, That a Court of King's-bench and Common-pleas shall be held, consisting of a Chief Justice, and four Assistants, to be appointed by the Governor, who may hear, try, and determine, according to the Laws of England, and of the Island, all Actions, Suits, and Prosecutions at Law

XXXII. § 2. The Judges to take the State Oaths, and Oath of Office, as prescribed in the Act.

XXXIII. § 3. The Judges have the same Authority, as the Judges of the King's-bench and Common pleas at Westminster, but subject to the Authority of the Power of the Court of King's-bench at Westminster.

XXXIV. § 4. Courts to be held the second Tuesday in March, April, May, June, July, and August, yearly, and may be continued or adjourned by any two Justices for 14 Days only.

XXXV. § 5. And two Judges may hear and try all Issues; but three must hear Arrests of Judgement, or Pleas of Matter of Law.

XXXVI. § 6. All Actions shall be entered 12 Days before the Sitting of each Court; and Declarations and Summons served six Days before Court, exclusive of the Court-day; and the Form of a Writ of Summons shall be as in the Act. If a Defendant conceal himself, or be absent from the Island, the Summons or Declaration left at his Place of Abode, and another fixed up at the Court-house Door, shall be deemed good Service.

XXXVII. § 7. Goods of absent Persons may be attached, and taken into the Hands of the Marshal, for a Pledge to answer Demands till Trial.

XXXVIII. § 8. Provided, that if an Agent for the absent Person shall give the Marshal Surety to answer Judgement, then the Marshal shall deliver to him such Goods.

XXXIX. § 9. Provided also, that the Plaintiff shall give Surety to answer Damages to the Defendant, in case Judgement pass against him, or he be nonsuited, or discontinue, or the Defendant in 12 Months reverse the Judgement.

XL. § 10. All Actions shall be tried at the second Court after brought, and Judgement given, unless sufficient Cause of an Arrest of Judgement appear: And if the Defendant fail

of appearing at the second Court, Judgement shall go against him; but if the Defendant be absent from the Island, another Court shall be allowed him to plead and try the Issue: And in Judgements by Default, the Plaintiff may prove his Cause in Court, as well as by Writ of Enquiry: And Defendants under Disabilities, may have Remedy when the Disability is removed.

XLI. § 11. Special Pleas and Demurrers shall be filed and served 14 Days before next Court, or else the Defendant shall plead the General Issue; and the Plaintiff shall deliver his Plea or Replication Eight Days before Court, or else the Defendant shall be allowed to the Third Court: And on joining in Demurrer, the Judges shall hear it in 14 Days, and not adjourn a Plea more than One Court.

XLII. § 12. All Pleadings, Verdicts, and Judgements, shall be entered by the Secretary in his Office on Record, on Penalty of Ten Pounds.

XLIII. § 13. Immediately after Judgement, the Judge shall sign Execution in manner prescribed in the Act.

XLIV. § 14. Provoost-marshal, or other Persons levying Executions, shall levy them according to the Directions of such Executions, on Penalty of Fifty Pounds; but the Defendant may bail his Goods till the Day of Sale, and then, if not redeemed, they shall be sold, and the Marshal shall pay the Plaintiff, and deduct Charges, and return the Overplus to the Defendant; but if the Effects fall short, the Marshal shall levy further.

XLV. § 15. Persons selling Lands or Goods taken in Execution, shall accept from any Purchaser Sugars, Cotton, Indico, and Melasses, in Payment, at current Price; and the Plaintiff shall also accept the same of the Marshal, so as such Commodities do not amount to more than his Debt and Costs.

XLVI. § 16. Goods perishing before Sale, shall be made good by the Owner, unless it be the Marshal's Fault, and then he shall pay the Damage.

XLVII. § 17. Defendant giving Security for the forthcoming of Goods, and not producing them in time, the Marshal shall, by Writ from a Judge, levy on the Goods of the Surety; and if the Surety have no Estate to levy on, he shall be committed till he make Satisfaction.

XLVIII. § 18. A Bill of Sale from the Provoost-marshal of Goods sold by Execution, shall give the Buyer a good Title; and such Bill of Sale for Lands, shall give as good Estate, as the Person from whom they were taken had; and the Provoost-marshal refusing such Bill of Sale, shall forfeit Fifty Pounds.

XLIX. § 19. When Goods or Lands are taken in Execution, the Marshal shall publish the Sale in the next Town, in the Manner prescribed

prescribed in the Act, and the Expences borne by the Owner of such Goods or Lands.

L. § 20. No Execution shall be awarded between the 31st of *August* and the 1st of *March*, yearly: Provided, that Writs of Possession of Lands or Slaves, may be executed at any time.

LI. § 21. Eight Days before each Court, the Judge shall sign a Summons for a Jury of Freeholders; One Court from the Windward Side of the Island, and the other Court from the Leeward Side, alternately.

LII. § 22. All Freeholders of Ten Pounds a Year, or worth One hundred Pounds, shall be Jurors; and in Default of Appearance, shall forfeit Five Pounds: And Jurors departing Court after sworn, before Verdict, shall forfeit Ten Pounds, and Five Months Imprisonment; and every Juror shall have Eighteen Pence for each Verdict.

LIII. § 23. On Default of Appearance of Jurors, the Marshal shall supply the Deficiency by a Tale; and Special Verdicts shall be found, if both Sides agree.

LIV. § 24. Evidence summoned, and not appearing, without reasonable Excuse, shall forfeit Fifty Pounds; and the Court may put off Trial to another Court, the Party paying Costs.

LV. § 25. Depositions of Persons disabled to attend, shall be deemed good Evidence, if taken by a Judge, and Notice given to the adverse Party to be present at the Examination: And all Certificates of Chief Magistrates in *Great Britain* and *Ireland*, and the Dominions thereto belonging, and Probates of Wills under proper Seals, shall be admitted as Evidence.

LVI. § 26. All Statutes of *Jesuits* made in *England* before the 4th and 5th of *Queen Anne*, and also Four *English* Law Acts, made in the Reigns of *King Charles* the Second, and *King James* the Second, are made perpetual in that Island.

LVII. § 27. Rules for giving Judgements in Demurrer: *See the Act.*

LVIII. § 28. The Statute of *Jesuits* is extended to several Cases: *See the Act.*

LIX. § 29. Provided, That nothing in this Act abovementioned shall be extended to Cases of Murder, Felony, or Proceedings on Penal Statutes.

LX. § 30. Plaintiffs or Defendants in several Cases are allowed to enter several Pleas joined in one; and Costs in some Cases left to the Discretion of the Court.

LXI. § 31. Bail for Persons arrested, shall be assigned to the Plaintiff; and if forfeited, the Plaintiff may sue it in his own Name: And the Court may by Rule redress Hardships on Cases of Bail, agreeable to Justice on either Side.

LXII. § 32. In trying Titles to Lands, the Court may order the Jury to view the same, in order to understand the Evidence; and by

Writ cause Six or more Jurors to go to the Place in question; and the Marshal shall certify the View, when made.

LXIII. § 33. Defendants may plead Payment in bar of an Action of Debt; and the same on Actions brought on Bonds, if paid before the Action commenced, though not at the Time mentioned in the Condition of the Bond.

LXIV. § 34. Interest upon Bonds, if not certainly expressed in the Bond, shall be Eight *per Cent.* and if the Defendant pay the Principal, with Interest and Costs of Suit upon such Bond, the Bond shall be discharged.

LXV. § 35. The Commander in Chief, and Four of the Council, shall try Errors in Judgements given in this Court: And the Commander in Chief shall sign all Writs of Error; and the Neglect of the Governor's meeting at the Day of return of such Writ of Error, shall not discontinue the Writ; and no Judgement shall be given in Error, but by the Commander in Chief, and Four of the Council, and none of them to be Judges of the Court, and shall all take the Oath in the Act prescribed; but no Judgement given in Court shall be superseded or stayed by Writ of Error, unless Security be given in double the Sum, to prosecute to Effect, and pay Costs, if Judgement be affirmed: And Writs of Error on Judgements upon Writs of Dower, or Ejectment, shall not stop Execution, unless the Plaintiff in Error give such Security as the Court shall allow, to pay Costs, in case Judgement be affirmed.

LXVI. § 36. And the Court shall issue a Writ to enquire into mesne Profits, or Waste committed after Judgement in Dower, or Ejection, and award Execution for Costs and Damages.

LXVII. § 37. What Cases this Act shall not be extended to: *See the Act.*

LXVIII. § 38. To prevent vexatious Suits on defective Writs of Error, the Defendant in Error shall recover Costs upon Defects, as if Judgement had been affirmed; but the Plaintiff may have a new Writ; and if either Party be dissatisfied with the Judgement in Error, he may appeal to the Crown, if the Value be according to the Governor's Instructions, the Appellant giving Security; but Executors, Administrators, and Guardians, are excused from giving Security, unless in Cases where it is required by the Laws of *England*, or on Appeals to the Crown.

LXIX. § 39. All Writs of Error shall be served on the Chief Justice, who shall certify the Record and Pleadings in Eight Days; and the Plaintiff shall shew cause of Error in other Eight Days, and the Defendant shall plead to it in Eight Days after.

LXX. § 40. The Judges in Court may try Causes under Ten Pounds without a Jury, or Servants Wages under Fifteen Pounds; and may admit the Plaintiff's Oath.

LXXI. § 41. Mis-

LXXI. § 41. Misbehaviour in Court, or Neglect of Officers, shall be punished by Fine, at the Discretion of the Court.

LXXII. § 42. Title to Slaves shall be tried by Action of Trover or Detinue, and not by Replevin.

LXXIII. § 43. All Writs to revive Judgements, shall be served Six Days before Court; and if the Defendant does not plead that Court, the Judgement shall stand.

LXXIV. § 44. How Counsellors shall prove their Qualifications, before they are admitted to plead: See the Act; but the Judges may admit who they think fit for Solicitors or Attornies, except Officers of the Court: And Attornies and Solicitors shall take the Oath prescribed in the Act, before they practise, on Fifty Pounds Penalty.

LXXV. § 45. No Person practising in Court, shall be Secretary or Marshal, on Penalty of being disabled to practise: And there shall be no more than Four Attornies or Solicitors at one time.

LXXVI. § 46. Provoost-marshal, and his Deputies, shall take the Oath prescribed in the Act, before the Governor; and he shall employ none but Persons of Ability.

LXXVII. § 47. All Persons practising in the Court, or Officers in the same, shall take the State Oaths, upon pain of Disability of practising, or enjoying any Office in the Court.

LXXVIII. § 48. Freeholders worth Ten Pounds a Year, shall be obliged to answer by Summons only, and not be arrested.

LXXIX. § 49. But if he send his Effects off the Island, and give Suspicion of Design to defraud his Creditors, then he may be arrested.

LXXX. § 50. Every Person prejudiced by protested Bills of Exchange, shall recover of the Drawer or Indorser Ten Pounds *per Cent.* Damages, and Ten Pounds *per Cent.* Interest, from the Day of Protest; but no more than Eight Pounds *per Cent.* Interest shall be reserved on Bonds, or other Securities.

LXXXI. § 51. Goods and Effects, or the Persons of Executors, shall not be affected otherwise than as by the Laws of *England*.

LXXXII. § 52. Publick Alarms or Invasions shall not discontinue or abate Actions.

LXXXIII. § 53. Actions of Trespafs, Detinue, or Replevin, shall be commenced in Three Years after the Cause of Action: And Actions for Slander, in One Year after the Words spoke, and not after.

LXXXIV. § 54. Provided, That in case an Arrest of Judgement go against the Plaintiff, he may renew his Action in One Year.

LXXXV. § 55. In all Actions of Trespafs, *Quare clausum fregit*, if the Defendant disclaim, and tender Amends for the Trespafs, the Plaintiff shall join Issue, and if cast, shall be barred all other Actions concerning the same.

LXXXVI. § 56. If the Jury upon an Action of Slander do not assess Forty Shillings Damage, the Plaintiff shall recover no more Cost than Damage.

LXXXVII. § 57. Persons under Disability shall have the same Time to sue after the Disability is removed, as other Persons have from the first Cause of Action.

LXXXVIII. § 58. A temporary Clause expired.

LXXXIX. § 59. Grants of Lands good, without Attornment of Tenants; and Tenants shall not be prejudiced for paying Rent to a wrong Person before Notice.

XC. § 60. A temporary Clause expired.

XCI. § 61. Fines upon Jurors shall be levied on their Effects; and upon Lawyers and Officers, recovered by Action: Fines upon Jurors, Half to the Publick, and Half to the Expence of the Court: Fines upon Lawyers and Officers, Half to the Publick, and Half to the Persons suing for them.

N^o 8. Estates.

I. § 1. **E** *Enacted*, That no Title of the Crown shall be revived, or put in Suit on account of the Reconquest of the Island, but every Proprietor of Land shall be deemed legally estated, and reinvested in the same, as his Ancestors, or those he legally holds from, had it in 1689. and no old Titles shall be received, to occasion vexatious Disputes.

II. § 2. If any Person, now in Possession of any Lands or Tenements, have quietly enjoyed the same Five Years before the War in 1689, &c. without any legal Claim in a Court of Record before the Date of this Act, he shall have good Right and Title to the same.

III. § 3. And it shall be a good Plea for the Defendant, in bar to the Action, to allege, that he had been in quiet Possession Five Years before the Year 1689, and from the Reconquest to this Time; unless the Plaintiff can disprove the same, or prove, that he, or the Person whom he claims under, were, during that Time, under Incapacity of suing, or that the Defendant held it only as Tenant, or by some Tenure expired: Proviso, allowing Three Years from passing the Act, for any Person to commence Suits for old Titles.

IV. § 4. To prevent Disputes in regard to Titles sold or forfeited by the *French* to the *English*, all Conveyances from the *French* to the *English* shall be good in Law; and all Grants of Land forfeited before 1689, under the Seal of the Island, by the Governors, shall be good in Law, and bar any prior Claim.

V. § 5. Many *French* Subjects, who held of the *English*, having renounced the *English* Protection, and gone off with the *French* Planters, and many *Irish* rebelled against the *English*, and assisted the *French*, for which they ought to have been

been attainted; but for want of a Civil Government, has not been done; but their Lands have been granted to *English* Subjects by the Governor, under the Seal of the Island: It is therefore enacted, That all Lands in the *English* Quarters, deserted by such *French* Subjects, or Rebel *Irish*, are become legally vested in the Crown, notwithstanding any Deficiency in Form of Law.

VI. § 6. And all Grants of such Lands shall be good and valid to the Grantees; and the old *French* Subjects, or *Irish* Rebels, and their Heirs, for ever barred.

VII. § 7. Titles of Land taken in Execution, and sold by the Provost-marshal, like personal Estate, by his Bill of Sale, shall be good to the Purchaser, notwithstanding the Bill of Sale, and Record thereof, be lost: But not to justify the Provost-marshal in any illegal Practice.

VIII. § 8. No want of sufficient or legal Words to create Inheritances, nor any Impropriety of Words, shall make void any Deed, Grant, Devise, or Conveyance. Persons having lost their Writings, may affirm their Titles by Two Witnesses, for as many Years Possession as is required by this Act, unless more convincing Evidence appear to the contrary; and such Persons may apply to the Governor for Confirmation of their Estates, and shall receive the same under the Seal of the Island.

N^o 38. IX. § 1. **E** *Enacted*, That no Title of the Crown, by virtue of Reconquest, shall be put in force; but that all Proprietors of Lands shall be deemed legally reinstated in the Estate of their Ancestors, or that they had when the Island was surrendered to the *French* in 1689.

X. § 2. Every Person who has had quiet Possession of Lands, without legal Interruption, for Five Years before the Beginning of the War in 1689, and who have possessed the same ever since the Reconquest of the Island by the *English*, without legal Hindrance or Claim in a Court of Record, and the Persons claiming under them, are hereby deemed legally possessed thereof in Fee-simple.

XI. § 3. Any Person who had a Right or Title to such Lands at the Passing of the Act, and was then under Disability, might prosecute his Claim in Three Years after such Disability removed.

XII. § 4. This Act shall not be construed to give Title of Inheritance to Tenants in Dower, for Life, or for Years; but that the Person who has the Right of Reversion or Remainder, may prosecute his Right at any time within Twenty Years after the Determination of such Estate of Dower, &c.

XIII. § 5. Upon the *French* Conquest of the Island in 1666, the *French* Subjects did purchase many Plantations from the *English*,

and after the Treaty of *Breda*, sold them again to the *English*, or forfeited the same; therefore all Conveyances made by the *French*, or by others who had Possession of such Lands after the Time limited for the Redemption thereof, are declared good and valid: And all Grants of Lands forfeited by the *French* before the Year 1689, are declared good and valid, and bar all prior Claims; and that such Conveyances, Grants, &c. or authentick Copies thereof, may be given in Evidence in any Court without special pleading.

XIV. § 6. Many *French* Subjects on the breaking out of the War in 1689, renounced the *English* Protection, and continued under the *French* Government 'till the *English* reconquered it, and then they abdicated the Island, and went off with the other Subjects of *France*, and several *British* Subjects turned Rebels, and joined with the *French*; it is therefore enacted, That all such *French* Subjects, or *English* Rebels, who went off with the other *French* Subjects, and deserted their Plantations, shall be deemed to have forfeited their Estates, as much as if they had been regularly attainted or convicted of Treason.

XV. § 7. All Grants and Writings under the Seal of the Island, to any Person, for such Lands declared forfeited, as aforesaid, shall be good and effectual in Law, against all such *French* Subjects who abdicated their Estates, and such Rebel *British* Subjects as joined them; all wants of common Forms in Law notwithstanding.

XVI. § 8. Provided, that such Rebels, on obtaining Licences from the Crown, might in Two Years after the Date of the Act prosecute their Claim; but if they recover against a Grantee of such Land from the Crown, then such Recoverer shall repay to the Person against whom they recover, the first Purchase-money, and for all Improvements; and shall discharge the Tenants of all Claims to mesne Profits, or else such Claim, and all Proceedings thereon, is and are declared void.

XVII. § 9. Every Person making Oath, that he has lost his Writings of his Estate, shall be allowed to prove his Title by Two Evidences.

XVIII. § 10. This is declared a publick Act; but not in force till the Pleasure of the Crown be known.

N^o 29. *Feys.*

I. § 1. **E** *Enacted*, That no Officers, or their Deputies, shall neglect to give due Dispatch to all Persons Business, or take any other Fee for any Business hereafter named, than is expressed and annexed thereto,

Z 2

on Forfeiture of their Places, and to pay the Party grieved his Damages.

II. § 2. A Table of Fees, as hereafter expressed, shall be fairly ingrossed, and hung up in each respective Office, on Penalty of Ten Pounds.

III. § 3. Business done by any publick Officer not mentioned in this Act, he shall take a Fee proportionable to other Fees that are mentioned.

IV. § 4. And the Governor, President of the Council, and Speaker of the Assembly, may sign an additional Table of Fees, when approved of in Assembly.

The Fees of the following Officers are particularly mentioned in the Act:

The Chief Justice;
Secretary;
Clerk of the Peace;
Clerk in Chancery;
Clerk to the Ordinary;
Justice of Peace's Clerk;
Naval Officer;
Coroner;
Marshal;
and Constables.

But by an Act passed in 1724. N^o 59. for establishing Courts, Advancement of Justice, and settling Fees, &c. a Table of Fees is established to be taken by the Chief Judge, Judge's Clerk, Secretary, and Marshal, so far as relates to the Courts of Justice established by that Act.

N^o 96. V. **T**HE Fee of Three Shillings *per* Sheet, given to the Secretary by the foregoing Act, N^o 29. for Copies of Bills and Answers in Chancery, is reduced to Eighteen Pence for each Sheet, containing One hundred and twenty Words.

N^o 58. *Flour.*

I. § 1. **E** *Enacted*, That no Person shall sell Flour used for making of Bread otherwise than by Weight, on Penalty of forfeiting the Flour; and both Buyer and Seller shall each forfeit Three hundred Pounds for every Barrel or Cask of such Flour bought or sold contrary to this Act.

II. § 3. Offenders convicted, a Justice may, by Warrant to a Constable, levy the Penalties incurred by this Act on their Goods and Chattels, rendering the Overplus, if any be, to the Owners: And a Justice, before whom Proof shall be made of such Flour being sold or bought contrary to the Intent of this Act, shall, by Warrant, cause such Flour to be seized by a Constable, who may by Day enter any House, Shop, &c. where he shall be informed such Goods may be found, and them seize and sell at Outcry in 24 Hours.

III. § 4. Charges of Seizures and Sales shall be deducted out of the Forfeitures.

IV. § 5. Persons sued for putting this Act in Execution, may plead the General Issue, and give the Act in Evidence.

N^o 99. *Hawkers.*

I. § 1. **E** *Enacted*, That no Person, by themselves, or by any other Person, white or black, shall carry about, or hawk Goods in the Island, unless in the Manner therein prescribed.

II. § 2. Any Person may apprehend and carry before a Justice of the Peace any white or black Person, who shall be found exposing Goods to Sale: And the Justice is required to issue his Warrant, requiring any Person suspected to be the Owner of such Goods, or who is capable of discovering the Owner of such Goods, to attend him: And in case the Person suspected to be the Owner of such Goods, do not acquit himself upon Oath, by denying the Goods to be his; or if it be proved to the Satisfaction of the Justice, that such Goods do really belong to such suspected Person, or that he is interested therein; then such Person shall be deemed convicted of such Offence, and shall forfeit the Goods to the Informer, and pay Twenty Pounds current Money, or be committed to Gaol till paid: But if it do not appear to the Justice who is the Owner, or is interested in such Goods, then the same only shall be adjudged to be forfeited to such Person who seized them, and gave Information of their being hawked.

III. § 3. Provided, if any white Person shall pay to the Treasurer Thirty Pounds a Year, or in Proportion for any Time not less than Three Months (of which Payment he shall receive a Certificate) then the Governor is empowered and required to grant such Person, in his own Name only who shall apply for the same, a Licence for Hawking, &c. any Goods or Commodities about the Island, for which the Governor and Secretary shall take the same Fees as is allowed for Wine Licences.

IV. § 4. All Money arising by such Licences shall be applied to the Use of the Fortifications, and to no other Use.

V. § 5. This Act was to continue but Three Years, and to the End of the next Sitting of the Assembly.

N^o 14. *Highways.*

I. § 1. **E** *Enacted*, That any Two Justices in any Parish, or, for want thereof, the Two next Justices, shall meet yearly in January, and appoint One or Two Surveyors of the Highways for that Year: And every Person so nominated, and notified thereof, shall accept the Office, and in Ten Days be sworn into the same before a Justice: And in case

case of Neglect, to forfeit Twenty Pounds, towards defraying Parish Charges; and the Justice shall appoint another, who shall accept the same, on the like Penalty.

II. § 2. Provided, no Person shall be obliged to serve Surveyor twice, if other qualified Parishioners have not served since he last served; and if such Person thinks himself aggrieved, he may appeal to the Governor and Council.

III. § 3. A temporary Clause for repairing the Highways, then out of repair.

IV. § 4. The Surveyors in Ten Days after sworn, or in Three Days after great Rains, shall view the Highways; and when they want repairing, issue their Warrants to the Constables to summon the Inhabitants to attend with Negroes, as they shall direct: And Householders, who have no Slaves, shall attend in Person; who are to begin at one End of the Parish, and continue 'till all the Highways in the Parish are opened, as shall be thought necessary by the Freeholders; and Persons neglecting, unless upon reasonable Excuse, shall forfeit Six Shillings per Day, and for every Slave Three Shillings.

V. § 5. The lower Highways round the Island shall be 24 Foot wide, and other Highways 12 Foot wide: And Possessors of Land next the same, who are obliged to fence, shall, when there is Occasion, cut and keep clean all such Fences, and not suffer them to be a Nuisance to the Highways: And in case of Neglect, the Surveyors shall by Warrant enjoin the Occupier to see the same performed: And if the Tenant neglect Ten Days after Warrant served, he shall forfeit Six Pounds current Money, and be obliged to perform the same in Ten Days after, on Penalty of Twelve Pounds.

VI. § 6. Where a Proprietor of Land has a Path through another Man's Ground below him, the same shall be laid out at the Choice of the Person who owns the Land through which the Path passes, and made cartable up and down: And if more Paths through any Man's Land than One, they shall be laid out One on each Side of his Plantation: In case of Disputes, each Person shall choose One Freeholder, who, with the Surveyor, shall determine the same: And if one Party neglect to choose a Freeholder, or does not appear at the Time appointed, the Surveyor and the other Freeholder shall determine the same.

VII. § 7. A temporary Clause for repairing the Highways in the Land called the late French Land, now obsolete.

VIII. § 8. Every Constable neglecting to execute a Surveyor's Precept, and every Person disturbing him in the Execution thereof, shall forfeit Five Pounds: And if a Surveyor neglect his Duty, he shall be fined by Two Justices, not above Ten Pounds: If a Justice

neglect his Duty, he shall be fined Twenty Pounds: And all Fines shall be Half to the Informer, and Half to the Parish.

IX. § 9. When Highways are washed into Guts, and forced to be turned into any Person's Land, the Surveyor, and two Freeholders shall appraise the Damage, and report the same on Oath to the Treasurer, who shall deduct the same out of the damaged Persons Levies.

N^o 36. X. § 1. **E** Nacted, That the Surveyors of the Highways for Basseterre Quarter be empowered to open an old Path from the South Side of Canaree Pond to the Eastward of Clay-hill, and so through Mr. Shepherd's Land to Basseterre, and make it 24 Foot wide, in 20 Days, on Penalty of Thirty Pounds; to be levied by Warrant from Two Justices.

II. § 2. What Damage the Planters might sustain by turning the Path, to be appraised, and the Appraisement returned to the Treasurer of the Island, who was required to pay the Sum to the Persons damaged, without further Warrant.

N^o 45. Import on Imports.

I. § 1. **P**reamble sets forth the Inconveniences of the former Act, by reason of the Method prescribed therein for levying the Duties therein mentioned, and therefore repeals the same:

II. § 1. And enacts, That Liquors imported shall pay towards the Support of the Government of the Island, and the contingent Charges thereof:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
All Madera Wine per Pipe,	1	00	00
Wines of the Western Islands, or mixt with Madera,	3	00	00
Beer per Ton,	1	00	00
French, Rhenish, or Spanish Wines in Cask, per Ton,	5	00	00
if bottled, then per Dozen,	0	01	06
For every Gallon of Rum,	0	02	06
Brandy,	0	01	00
Mum,	0	00	06
Ale, Beer, or Cyder, in Quart Bottles, per Dozen,	0	01	06

III. § 3. But if the Importer shall re-export the same, or any Part thereof, in Two Months after imported, he shall be allowed a Drawback of Half the Duty.

IV. § 4. All such Liquors run, or attempted to be run, shall be forfeited: And all Persons are required to be aiding and assisting to the Informers or Discoverers of such run Liquors.

V. § 5. The Receiver, or his Agent, or the Discoverer may, with a Justice's Warrant and a Constable, search all Houses, or other Places for such Liquors concealed, in Three Days

Days after Information given; and all such forfeited Liquors shall be condemned in a Court of Admiralty; and the Charge of Trial shall be deducted out of the Value of the Liquors, if condemned; but if cleared, and a probable Cause for such Prosecution appear, then the Charge of Trial shall be paid by the Treasurer, out of the publick Stock; but if no reasonable Cause appear, then the Charge shall be borne by the Prosecutor, and the Proof of Payment of the Impost shall lie on the Claimer, in case of Dispute.

VI. § 6. And the Treasurer shall administer an Oath to every Master of a Vessel, or other Person entering *Madera Wines*, to prove they are such, without Mixture; and if such Person refuse to swear, then the Wines shall be charged as Wines of the *Western Islands*.

VII. § 7. The naval Officer shall not clear any Ship that imported such Liquors, without a Certificate from the Treasurer, that the Duties were paid; and the Treasurer shall not give such a Certificate, till Oath made that the Entry was true, in the Manner herein directed: And if the Master of a Vessel refuse to take such Oath, he shall forfeit Three hundred Pounds: And if the naval Officer clear any Vessel without such Certificate, he shall forfeit Forty Pounds: And if the Treasurer give a Certificate without such Oath, as last mentioned, he shall forfeit Three hundred Pounds.

VIII. § 8. Vessels belonging to any of the *Leeward Islands*, shall not be obliged to enter or clear in the naval Office oftner than once a Year, or as they are otherwise obliged to do by the Laws of *Great Britain*, or other Acts of this Island; but that such Vessels may be discharged by the Treasurer, on Oath made, as aforesaid.

IX. § 9. On Neglect or Refusal of paying the Duties, the Marshal, by Warrant from the Governor, may distrain for the same on the Goods and Chattels of such Person; and for want thereof, on their Lands and Tenements; which shall in Six Days time be sold by the Marshal, returning the Overplus, if any, to the Owner: Provided the Sale be made publickly in one of the Towns, in the Presence of Six Persons: And if such Person have not Goods or Chattels, Lands or Tenements, to pay the Debt, then the Marshal shall take the Body of such Person, and detain him in the common Gaol, without Bail, till he pay the same.

X. § 10. The Treasurer to have Five. *per Cent.* for receiving the Duties; and his Accounts shall be settled by the Council and Assembly; and that he shall not be discharged without such Examination; and that his Heirs and Executors shall be liable to render such Accounts to the Council and Assembly; and that the Treasurer shall so account every

Year, if required, on Penalty of One thousand Pounds.

XI. § 11. Every Person sued for putting this Act in Execution, may plead the General Issue, and give this Act in Evidence.

XII. § 12. All Forfeitures in this Act mentioned, shall be Two-thirds to the Use of the Fortifications, and the other Third to the Informer; to be recovered in any Court.

This Act expiring in 1733. was continued by another Act in 1732. N^o 48. and the Duties were therein appropriated to amending and keeping in repair the Fortifications of the Island, and building more, if wanting; and a Penalty on the Treasurer, of forfeiting his Place, if he misapplied any Part of these Duties.

N^o 68. Impost on Exports.

I. § 1. **E** *Enacted*, That all the Commodities of the Growth of the late *French Part* of the Island shipped off, shall pay to the Crown Four and a Half *per Cent.* in *Specie*, in the same Manner as the Commodities of that Part of the Island called the *English Part*, had hitherto been liable to pay.

II. § 2. The Duty shall always be paid at the Ports of *Old Road*, *Sandy Point*, and *Basseterre*; and the Collectors shall be obliged to receive the same at those Ports.

N^o 54. Infection.

I. § 1. **E** *Enacted*, That no Vessel coming from any Country infected with the Small-pox, Plague, or any contagious Fever, shall permit any Person to come on Shore, or land Goods, until the Master has produced a Certificate, or performed Quarantine, under Penalty of One hundred Pounds, and Six Months Imprisonment.

II. § 2. No Vessel shall send any Boat with Goods on Shore, until they have declared to the Gunner of the Fort, whence they came; and if they came from an infected Place, they shall return on Board, or the Gunner shall fire at them; and negligent Gunners shall suffer Six Months Imprisonment, and lose their Places.

III. § 3. And to prevent Vessels being hindered, except such as come from Places infected, the Governor shall give to the Gunners an Account of all Places he hears are infected.

IV. § 4. And to prevent Distempers being brought from Places where no Notice has been had, the Gunner shall enquire and give Notice of the Penalties; and if they contravene the Intent of the Act, the Master shall suffer, as aforesaid.

V. § 5. The Governor shall appoint a Surgeon in each Town, to whom the Gunner shall

shall give Notice to go on Board Vessels, and enquire; and if he find any infectious Distempers on Board, he shall order the Vessel to perform Quarentine, and give Notice to the Gunner, not to suffer any Person to come on Shore from such Vessel.

VI. § 6. If the Surgeon going on Board a Vessel come from an infected Country find all well, he shall give a Certificate, and the Vessel may unlade.

VII. § 7. If any Person shall go on Board a Vessel come from an infected Country, before searched, he shall forfeit Fifty Pounds, and suffer Three Months Imprisonment.

VIII. § 8. The Surgeon may take Eight and Twenty Shillings for searching a Ship.

IX. § 9. No Person going in the Boat with the Surgeon, shall go on Board the Ship, on pain of One Month's Imprisonment; nor shall any Person be suffered to come on Shore in the Surgeon's Boat, on Penalty of One hundred Pounds.

X. § 10. Gunner may press Men to conduct the Surgeon on Board such Ship; and on Refusal, such Man shall suffer One Month's Imprisonment.

XI. § 11. If the Provost-marshal neglect his Duty, he shall forfeit Twenty Pounds.

XII. § 12. To prevent Vessels being delayed, the Surgeon, on Notice, shall go immediately on Board, and examine, on Penalty of Twenty Pounds, Complaint thereof being made to the Governor in 48 Hours.

XIII. § 13. The Governor may oblige any Surgeon to do this Duty, on Penalty of being rendered incapable of practising on the Island as Surgeon, Apothecary, or Doctor; and of forfeiting One hundred Pounds, if he practise afterwards.

XIV. § 14. Vessels coming from Places infected, the Gunner shall give them Notice not to come on Shore, nor any Person to go on Board, till Quarentine be performed, and Certificate of Health obtained, on pain of Death; and the Vessel shall be obliged to depart to the Place appointed for Quarentine: And any Person going on Board such Vessel, and endeavouring to return on Shore, may be killed.

XV. § 15. Every Vessel having any infected Person on Board, and not departing on Notice given, the Gunner may compel them to depart; but such Vessel may go and anchor at *French Fig-tree Fort*, at One Mile Distance from the Shore, and in 40 Days, if it came from a Place infected with the Plague, and in 30 Days, if from a Place infected with the Small-pox or Fever, the Vessel may unload and trade, if the Surgeon give a Certificate of Health, and that infected Clothes, Bedding, &c. are burnt.

XVI. § 16. A temporary cautionary Clause, relating to the Danger of the Plague from *Marseilles*, expired.

XVII. § 17. Vessels coming from Places infected with the Small-pox, in want of Necessaries, any Persons may carry them Supplies, staying on Board till Quarentine be performed.

XVIII. § 18. All Fines and Forfeitures directed by this Act, shall be levied in Three Days by the Governor's Warrant to the Provost-marshal; and for want of Distress, the Offender shall be imprisoned: And Goods seized for Forfeitures, shall be sold at publick Outcry, and the Overplus, if any, returned to the Owner: And all Fines shall be paid to the Treasurer, to be applied by the Governor, Council, and Assembly, towards erecting an Infirmary.

XIX. § 19. To prevent the spreading of the Small-pox, Lazarettoes were ordered to be built by Commissioners, for the conveying all Slaves to, who were then, or shall after be infected with that Distemper.

XX. § 20. Commissioners to provide Persons to take care of infected Slaves in the Lazarettoes, at the publick Charge, by Order of the Governor: Masters concealing their infected Slaves, or Doctors their infected Patients, shall forfeit One hundred Pounds.

XXI. § 21. The Governor empowered to appoint Commissioners to build Lazarettoes, and place Guards thereto.

XXII. § 22. And such Commissioners may visit all Plantations suspected of such Distempers.

XXIII. § 23. The Governor empowered to hire or impress Persons who have had the Small-pox, to guard such Houses: And every Person going abroad after the Guard is set, farther than they have Leave from a Commissioner, shall suffer a Year's Imprisonment.

XXIV. § 24. A temporary Clause to save Lieutenant General *Mathews* harmless, for what he had done to prevent the spreading of the Small-pox, before this Act was passed.

XXV. § 25. The Governor may order suspected Goods to be burnt, and the Treasurer to pay for the same.

XXVI. § 26. Persons sued for putting this Act in Execution, may plead the General Issue, and give the Act in Evidence.

N^o 4. *Liquors.*

I. § 1. **P**reamble declares a Necessity of raising an Impost on Strong-liquors sold by retale, for defraying the publick Charges; and enacts, That every Person who shall sell Strong-liquors by retale, shall pay after the Rate of Sixteen Pounds current Money, to be paid quarterly, for their Licence; and shall give Security in the Secretary's Office for the same, at the taking out such Licence.

A a a

II. § 2. And

II. § 2. And those that sell Rum or Rum-punch by retale, shall pay 3*l.* 2*s.* 6*d.* per Annum, and shall give Security in the Secretary's Office, as aforesaid.

III. § 3. If any Person set up or keep any Tavern or Victualling-house, or sell Strong-liquors by retale, without Licence from the Governor, he shall forfeit 3*l.*

IV. § 4. If any Person sell Rum or Rum-punch by retale without Licence, he shall forfeit 6*l.* 5*s.*

V. § 5. Provided those who have Sugar-works, may sell by retale at their Plantations.

VI. § 6. But if any Person set up Rum-works, and purchase Melasses to distil, he shall take out a Licence, and pay 16*l.* 10*s.* per Annum.

VII. § 7. And if any Person shall set up such Work for distilling Melasses, without Licence, he shall forfeit 33*l.*

VIII. § 8. All Fines shall be levied by the Treasurer, in such Manner as Executions are levied in Actions between Party and Party, and disposed of by publick Outcry, Publication thereof being made for Sale in any of the Towns in the Island, and sold at the end of Three Days after levied.

IX. § 9. All Informations shall be made to the Treasurer, who is to go with the Informer to the next Justice; and Proof before such Justice shall be sufficient Authority to the Treasurer to distrain upon the Offender's Goods.

X. § 10. Provided nothing herein contained shall lessen the Prerogative of the Crown.

Nº 58. XI. § 2. **E** *Nacted*, That all Liquors imported in Bottles, Wine or Mum, shall be in full Quart or Pint Bottles, Wine Measure; and all other Liquors in full Quart or Pint Bottles, *Winchester* Measure; and all Liquors imported in any other Bottles, shall be forfeited; and whoever shall sell any Liquors in other Bottles, shall forfeit for every Quart One Shilling and Six Pence, and every Pint, Nine Pence; Half to the Poor, and Half to the Informer.

XII. § 3. Offenders convicted, a Justice may, by Warrant to a Constable, levy the Penalties on their Goods and Chattels: And a Justice of Peace, before whom Proof shall be made of such Liquors being imported or sold contrary to the Intent of this Act, shall by Warrant cause such Liquors to be seized by a Constable, who may by Day enter any House where he shall be informed such Goods may be found, and every of them seize and sell at Outcry in 24 Hours.

XIII. § 4. Charges of Seizures and Sales shall be deducted out of the Forfeitures.

XIV. § 5. And any Person sued for putting this Act in force, may plead the General Issue, and give the Act in Evidence.

Nº 80. XV. § 1. **E** *Nacted*, That no Person, unless authorized in the Manner prescribed by this Act, shall sell by retale any Wine, Brandy, or other Strong-liquors (except Rum or Rum-punch) under Penalty that every such Retailer shall for every Offence forfeit Forty Pounds; and every Retailer of Rum or Rum-punch only, shall forfeit Ten Pounds: Provided, it shall not extend to Persons selling any such Liquors by Three Gallons, and upwards, at one time, to one Person, and no less Quantity.

XVI. § 2. The Governor may license Persons to sell Strong-liquors by retale, paying for the same Twenty Pounds *per Annum*, except for selling Rum and Rum-punch, which shall pay but Five Pounds *per Annum*; and the Treasurer shall give such Person a Certificate for such Payment without Fee; and the Governor thereupon shall grant such Licence for such Time as the Person hath paid for it, not exceeding one Year: The Governor's Fee to be Ten Shillings; and the Secretary's Seven Shillings and Six Pence.

XVII. § 3. No Licence shall be granted to any Person, but such as shall use the Trade of selling such Strong-liquors by retale, or to the Owner of the House where the same is sold; and that such Licence shall not be assignable to any other Person.

XVIII. § 4. No Person shall set up any Still to make Rum in any Town in the Island, on Penalty of One hundred Pounds for every Offence, and likewise forfeit all the Rum so made: Provided, any Planter may distil Rum upon his Plantation to sell by retale, pure and unmixed, in his Dwelling-house, and no where else.

XIX. § 5. The Taxes arising by this Act to be appropriated to the Use of the Fortifications; the Fines, Two-thirds to the same Use, and the other Third to the Informer; to be recovered in a Court of Record.

XX. § 6. The Treasurer shall not lay out any Money arising by this Act (except his Poundage for receiving the same) but to and for the Uses to which it is by this Act applied, and that not without an Order under the Hand of the Governor, by and with the Consent of the Council, on Penalty of Loss of such Money so paid contrary to the Intent of this Act.

XXI. § 7. The Treasurer allowed Five *per Cent.* and shall yearly, or oftner, if required, account to the Council and Assembly for all Receipts and Disbursements, in order to the auditing and passing his Accounts, on Penalty of Two hundred Pounds; to be recovered in a Court of Record, and applied to the Use of the Fortifications, as other Penalties laid by this Act.

XXII. § 8. In

XXII. § 8. In order to prevent the many Disorders happening by Sailors and Servants being entertained in such publick Houses, it is enacted, That if any Person retaling Strong-liquors, shall trust any Sailor belonging to a Ship at Anchor in any Bay, Creek, &c. about the Island, or any Servant belonging to an Inhabitant of the Island, for Victuals or Strong-liquors to the Value of Six Shillings, or upwards, he shall lose his Debt.

XXIII. § 9. Upon any Suit or Information commenced against any Person for any thing done in pursuance of this Act, the Defendant may plead the General Issue, and give this Act in Evidence: And if the Plaintiff be non-suit, or Judgement pass against him, the Defendant shall recover double Costs, in the same Manner as Costs are by Law given to other Defendants.

XXIV. § 10. This Act to be allowed in all Courts as a publick Act, without special pleading.

XXV. § 11. To continue in force Eleven Years from its Publication, and from thence to the next Sitting of the Council and Assembly.

Nº 99. Lotteries.

§ 5. **E** Nacted, That no Person whatsoever shall set up any Office or Place to sell Plate, Jewels, or other Goods by way of Lottery, Chances, Numbers, &c. or shall publish any Proposals for advancing small Sums of Money, amounting in the whole to large Sums, to be divided by Chances; or shall deliver out Tickets to entitle Persons to Shares of such Plate, Jewels, or Goods, or of such Money so advanced, according to such Proposals or Schemes; or shall make or publish such Proposals or Schemes of the like Nature, under any Denomination, upon Penalty for every Offence to forfeit One thousand Pounds current Money; Half to the Use of the Fortifications, and Half to the Informer; to be recovered in a Court of Record by Action of Debt, Bill, Plaint, &c. The Act to continue but Three Years, and to the End of the next Session of Assembly.

Nº 78. Markets.

I. § 1. **E** Nacted, That there shall be kept every Tuesday, Thursday, and Saturday, at Basseterre, Sandy Point, Old Road, and Deep Bay, a Market for killing and selling flesh Meat.

II. § 2. All Cattle and Meat brought to Market shall be delivered to the Clerk, who shall be accountable to the Owner, at the following Prices per Pound;

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Beef,	0	00	7½
Except Legs, Shins and Necks only,	0	00	4½

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Mutton, Veal, and Pig-pork,	0	00	09
Large Pork above 10lb. per Quarter,	0	00	7½
Turtle Calopce,	0	00	4½
Other Turtle,	0	00	06

And Meat not fit for Sale, shall be burnt by the Clerk of the Market.

III. § 3. Market shall begin at Seven of the Clock in the Morning, by ringing a Bell: And whoever first tenders Money, shall choose the first Piece, not above Thirty Pounds of Beef or Turtle, and a Joint of Veal, Mutton, or Pork: Provided, the Governor may have such Pieces as he sends for, at the aforesaid Prices. And if the Owner of the Meat does not collect the Money himself, the Clerk of the Market shall pay it him in Six Days, or it shall be levied on him by a Justice; and such Clerk shall give Security for the due Execution of his Office.

IV. § 4. No Meat shall be sold but in open Market, and under the Restrictions aforesaid: Persons selling Meat other Days, shall be under the same Restrictions as those selling on Market-days: No Butcher, Tavern-keeper, or Victualler, shall give, lend, or change Meat, on Penalty of forfeiting Three Pounds: And all Persons selling Meat for more than the above limited Prices, shall also forfeit Three Pounds.

V. § 5. If more than one Bullock be brought to Market, one Side shall be cut in Pieces, not above Six Pounds weight; if but one Bullock, a Quarter, in such Pieces, for the Use of the Poor, and the like Proportion of other Meat.

VI. § 6. All fat live Meat or Poultry imported, shall be sold in Three Days after landed, if the Owner is offered a reasonable Price: And Persons buying out of publick Market such live Stock imported, shall forfeit double the Value of what is so bought: Provided, any Person may send for Stock to any other Island for his own Use.

VII. § 7. Butchers shall be allowed for killing and cutting up Beef One Shilling in Twenty Shillings Value; and for Veal and Hogs, Four Shillings each; and for Sheep, Turtle, or Shoats, Three Shillings: But every Person who sends Meat to Market, may choose his own Butcher, who shall be obliged to kill the same, on Penalty of Forty Shillings; and if a Butcher abuse Meat in killing, he shall pay the Owner the Value: All Butchers shall be subject to the Clerk of the Market's Orders, on Penalty of Forty Shillings: Clerk of the Market shall have for every Beef killed at Market, Six Shillings; for every Veal and Hog, Two Shillings; for every Sheep, Shoat, or Turtle, One Shilling and Six Pence: And if the Clerk of the Market collect the Money for the Meat sold, he may stop his own Fees, and the Butcher's also; and the Clerk of the Market shall pay the Butcher, provided

provided the Clerk collects the Money for the Owner.

VIII. § 8. All Forfeitures in this Act shall be Half to the Poor, and Half to the Informer.

N^o 3. Militia.

I. § 1. **P**reamble sets forth the Necessity of having the Inhabitants brought under a regular Discipline, in order to attend the Service of the Island; and enacts, That all Persons above the Age of Fourteen, and under Sixty, shall appear and serve in Person, and do Duty with Arms on all Alarms, Invasions, or Muster-days, at such Place as shall be ordered by the Governor and Council of War, consisting of Seven principal Officers; which Council shall be held at any Time, so often as Occasion, and the Safety of the Island shall require, and settle the Militia, conformable to the Tenor of this Act, and give necessary Orders, as need shall require any Alterations to be made, having a due Regard to each Person's Estate and Quality, so as the best of the Gentry not in Commission shall ride in the Troop: And if any Person so appointed to ride in the Troop, shall refuse, he shall forfeit Twenty Pounds; to be levied by the Field-marshal.

II. § 2. Muster and exercising-days not to exceed one Day in a Month: And Members of the Council and Assembly not in Commission, excused Attendance on Muster and Exercising-days only: And that all the Regulations and Settlements of the Militia, with all other Proceedings of the Council of War, be fairly entred in a Book provided for that Purpose.

III. § 3. The Guards and Rounds shall be regulated and settled by the Council of War; viz. The Persons Names, and their Turns to attend the Service, shall oblige all the Inhabitants to the Duty and Performance thereof, as if their Names had been inserted and appointed by this Act.

IV. § 4. And that none may plead Ignorance of the Regulations and Orders established, the same shall be entred in a Book, and fair Copies thereof, as Occasion shall require Alterations, given to every Field-officer and Captain, that they may know how to place their Guards, and punish Offenders, after due Notice of what Duty they are to perform.

V. § 5. For the better Performance of the Duties intended during the War, every Person of the Age aforesaid, whether Officer or Soldier, that neglects the Duty assigned them by the Council of War, shall forfeit, if a Field-officer, Three Pounds; if other commission Officer, Thirty Shillings; if a Gentleman, Fifteen Shillings, or be sent to *Charles Fort*, to remain not exceeding Seven

Days, by Warrant from the Officer commanding the Parry where such Neglect is made.

VI. § 6. Gentlemen of the Council and Assembly excused from riding the Rounds the Nights before and after their meeting the Council and Assembly.

VII. § 7. The Officer of the Fort is to receive all Persons so sent, and keep them in Custody during the Time of their Commitment, if not sooner discharged: If a private Foot-soldier, or a Freeholder, Five Shillings; but if poor, or a Servant, and not able to pay the Fine, then to be tied Neck and Heels, or ride the Wooden-horse: Provided the Servant be not detained by his Master or Overseer, in which Case the Master, &c. shall pay the Fine.

VIII. § 8. All Disputes which shall arise concerning this Act, shall be determined by a Court-martial, who shall take an Oath, that they will do speedy Justice, without Favour or Prejudice.

IX. § 9. If any Trooper shall refuse to serve as Corporal, when appointed, for one whole Year, he shall forfeit Twenty Pounds: The Money arising by this Act to be returned to the publick Treasurer, for the Use of the Fortifications, and Contingencies of Government: Provided no Gentleman who has been in Commission, shall be obliged to serve as Corporal.

X. § 10. Every Person in the Militia Regiment, who shall be appointed to act as Serjeant or Corporal for one Year, and shall refuse to do the Duty appointed, shall forfeit Ten Pounds; to be levied and disposed of in the same Manner as a Gentleman refusing to serve as Corporal of the Troop: Provided, that no Gentleman who has been in Commission, shall be obliged to serve as Serjeant or Corporal: Provided also, if either the Trooper, or Person appointed to serve as Serjeant or Corporal in the Regiment, have not Effects to answer the Fine, he shall be sent to *Charles Fort* for Twenty Days, if not sooner released by the Governor.

XI. § 11. To encourage Gentlemen to serve as Corporal in a Troop, or Serjeant or Corporal in the Regiment, all Fines arising upon the Neglect of Duties by Gentlemen of the Troop, or private Centinels in the Regiment, shall, if from a Trooper, be paid into the Hands of the Corporal, for his Use; if from a Foot-soldier, then to the Use of his Serjeant or Corporal; and if either Trooper or Soldier refuse to pay, they shall be sent to *Charles Fort*, there to be kept till they pay it, and the Governor be satisfied thereof from such Corporal or Serjeant.

XII. § 12. If the Corporal of a Troop, or Serjeant or Corporal in a Regiment, be remiss in recovering the Forfeitures, he shall be

be sent to Charles Fort for Thirty Days, if not sooner released by the Governor.

XIII. § 13. If any Officer of the Troops or Regiment neglect his Duty, the Forfeitures arising therefrom shall be recovered by Warrant from the Governor, and returned to the publick Treasurer, for the Use of the Fortifications, and other Contingencies of Government, returning the Overplus, if any, to the Owner, deducting Fees and Charges.

N. B. The following Act seems intended to include the whole Law of the Island, relating to the Militia; but that being only temporary, and the foregoing perpetual, and not repealed, when the last Act expires, the first will be again in full force; therefore it was thought proper to print both, as well as this Abridgment of them.

Nº 91. XIV. § 1. **E** Nacted, That every Inhabitant, from 16 to 60, and every Person who shall become an Inhabitant, shall in Six Months from his first Residence, be obliged to serve in some Troop or Company of the Militia, except Cripples, and such as belong to the Forts: And the Militia shall be formed into one Troop of Horse, one Troop of Dragoons, and two Regiments of Foot.

XV. § 2. The Governor, with the Advice of a Council of War, shall appoint which Corps each Person shall appear in: Provided, no Plantation be obliged to provide more than one Trooper or Dragoon: And no Person who is willing to serve in the Troop, shall be compelled to serve in the Dragoons or Foot: And he that is willing to be a Dragoon, shall not be obliged to serve on Foot.

XVI. § 3. Every Foot-soldier shall appear with a good Firelock, and a Cartouch-box full of sizeable Cartridges; every Dragoon shall appear on an able Horse, and good Accoutrements (as described in the Act) every Trooper, the like, and bring with him a Negro, armed with a Cutlase.

XVII. § 4. The Place of Rendezvous shall be appointed by the Governor: And every Person not appearing at each Meeting by Nine of the Clock in the Morning, unless prevented by Sickness, or Accident to be allowed in Excuse by the Commanding Officer, shall be esteemed absent that Day.

XVIII. § 5. The Commanding Officer of the Foot shall exercise all the other Officers, and then name one to exercise the Foot, and then himself, with the other Officers, march and exercise the whole; but shall be dismissed by Twelve of the Clock: And the Horse shall exercise with their Pistols on Horseback, and then dismount, and, delivering their Horses to their Slaves, exercise as the Foot, and then remount, and march over the Parade, and be dismissed at Noon: The Dragoons dismount,

and exercise on Foot, then mount, and march over the Parade, and be dismissed by Noon.

XIX. § 6. The Exercise on General Meeting-days left to the Commanding Officer in the Field, as he judges most proper.

XX. § 7. Fines for not appearing well equipt, shall be half as much as if absent; and every Person absent without good Reason, to be allowed of, as aforesaid, shall forfeit in Time of Peace,

	l.	s.	d.
Every Trooper,	0	14	00
Dragoon,	0	09	00
and Foot-soldier,	0	06	00

or Foot-soldier to be tied Neck and Heels half an Hour; except one white Man in each Plantation, where there is more, may stay at home without Penalty.

	l.	s.	d.
Every Colonel shall forfeit	3	10	00
Lieutenant-colonel,	3	00	00
Major,	2	10	00
Captain,	1	00	00
Lieutenant and Ensign,	1	10	00
Serjeant,	0	13	00
Corporal or Drummer,	0	06	00
Field-marshal,	30	0	00

XXI. § 8. In Time of Peace every Officer or Soldier endeavouring to revenge himself on his Superior, for having obliged him to do his Duty, or behave to him with ill Manners, shall be punished by Confinement, at the Discretion of a Court-martial, not above Thirty Days.

XXII. § 9. Fines shall be levied and disposed of as follows; The Commanding Officer of Horse and Dragoons each meeting, shall call the Roll, and sign a List of every one absent, or deficient in his Accoutrements, and return it to the Governor; and the Commanding Foot-officer shall do the same, and return it to the Colonel of the Regiment, on Penalty of Six Pounds for Neglect: And the Governor shall issue a Warrant to the Field-marshal (who is to put it in Execution, on Penalty of Six Pounds) directing him to distrain the Goods of the Defaulter, and the Goods to be sold in Three Days, and the Surplus, if any, returned to the Owner; and the Colonel shall issue his Warrant to the Serjeant of each Company, to levy on the Goods of such Foot-soldier or Drummer as is in Default, sufficient to satisfy the Fines and Charges, returning the Overplus to the Owner; and the Fines thus levied, to be paid to the Colonel, to be distributed to the Serjeants and Drummers, Half to the Serjeants and Drummers, and Half to buy Powder for firing in Platoons: Provided such Sales be made in the next Town, in the Presence of Four white Persons: And if a Servant be hindered by his Master, or not by him accoutred, as directed, the Master shall pay the Fine.

B b b

XXIII. § 10. Ser.

XXIII. § 10. Serjeants, Corporals, and Drummers, shall be named by the Colonel; who on Refusal to serve, shall incur the Fine of Absence, and shall serve Three Years, except such as have borne Commissions.

XXIV. § 11. In case of War or Invasion, or Apprehension of an Insurrection of Slaves, or other Alarms, the Governor may put all the Inhabitants under Arms, and oblige them to act against an Enemy, at Discretion, and appoint Rounds for Twenty four Hours, with Advice of the Council: Provided, in case of actual Invasion, the Governor may keep the Inhabitants in Arms till the Enemy disappear.

XXV. § 12. For small Offences a Court-martial shall consist of one Field-officer, and four Captains at least.

XXVI. § 13. Every Foot-officer shall appear, Field-officers and Captains, with half Pikes, Lieutenants with Partizans, and each a Negro with a Cutlance, and his best Fuzee to exercise with, when required.

XXVII. § 14. Members of the Council and Assembly (except such as are Officers) Officers of the Customs, Judges of the Courts, Barons of the Exchequer, Judge of Admiralty, Treasurer, Secretary, and his Deputies, Register, and Marshal, and their Deputies, and all Officers attending the Assembly, and the Clergy, are excused, except on General Musters and Alarms.

XXVIII. § 15. Every Trooper shall have Two Pounds of Powder, and Six Pounds of Ball; and each Dragoon or Foot-soldier, One Pound of Powder, and Three Pounds of Ball; and every Captain, Ammunition for Twenty Rounds for his whole Company.

XXIX. § 16. The Governor may summon a Council of War, or Court-martial; and every Person summoned, and not appearing, shall forfeit Three Pounds; to be levied, as aforesaid, in case of Absence.

XXX. § 17. Four Firelocks, discharged one after another, at half a Minute's Distance, after Nine of the Clock at Night, or Two great Guns, distinctly fired by Night or Day, shall be deemed an Alarm; and the Gunners of Forts and Platforms are to forward the same with Expedition: And whoever shall make false Alarms after Nine of the Clock, or neglect his Duty in forwarding an Alarm, shall forfeit Fifty Pounds; to be levied by the Provost-marshal on his Goods, by Warrant from the Governor; and for want of Distress, to suffer Two Months Imprisonment: And if the Master of a Ship shall suffer to be fired great Guns, or small Arms, or Drums to be beaten, so as to raise a false Alarm, he shall suffer as in Cases of Alarms, unless he do it in Defence of his Vessel.

XXXI. § 18. Eight times a Year, in January, March, May, July, September, October, November, and December, the Militia shall

meet to be exercised; and once a Year a General Muster, to be appointed by the Governor, when and where he thinks fit; and that then and there be given a Prize Sword, to be shot for by the Soldiers of each Corps.

XXXII. § 19. The Governor, with Consent of Council, may appoint a General Meeting of the Militia on the first Arrival of a new Governor, or upon any other extraordinary Occasion; and all Persons neglecting to appear, shall be subject to the same Penalties as on General Reviews: And Persons neglecting to appear armed on Alarms with Expedition, shall forfeit Twenty five Pounds, or less, as the Court-martial shall judge fit; or on Refusal to pay, shall suffer Two Months Imprisonment, or less, if the Court-martial think fit.

XXXIII. § 20. The Governor, with Advice of Council and Assembly, may reward Persons who distinguish themselves by Courage or Conduct, to be paid out of the Treasury, and make Provision for Persons maimed in Defence of the Island, or to Widows or Orphans of such.

XXXIV. § 21. In case of Invasion, the Governor may press Ammunition, Provision, or Warlike Stores; as also Carriages, Slaves, and Cattle, for the publick Service, for 24 Weeks; the Damage to be made good out of the publick Treasury to the full Value thereof.

XXXV. § 22. On Alarms or Invasions, all Surgeons shall attend with proper Instruments and Medicines, on Penalty of Fifty Pounds; in Consideration of which, they shall be excused at other Meetings.

XXXVI. § 23. All Fines imposed by this Act (except Fines accruing from the Regiments of Foot) one Half shall be to the Field-marshal, in Consideration of his Service; and the other Half to be paid by him to the Treasurer, for the Use of the Fortifications, on Penalty of forfeiting double the Sum unpaid after Ten Days.

XXXVII. § 24. The Field-marshal shall take an Oath before the Governor, that he will not compound with any Person who shall incur any Fine or Forfeiture, for any less Sum than is forfeited.

XXXVIII. § 25. The Governor is empowered and required to order Guards and Rounds Four Days in *Christmas* Holy-days, to begin on *Christmas-eve*: And upon every Neglect of Officer or Soldier, they shall incur double Fines, as for Non-appearance; to be levied by the Field-marshal, and Serjeants, as aforesaid.

XXXIX. § 26. In time of War, the Militia shall meet and exercise once in each Month.

XL. § 27. If any Person empowered to put this Act in Execution, shall be sued or molested, he may plead the General Issue, and give the Act in Evidence; and the Judges are required

to

to admit the same without special pleading, and to indemnify them from all Prosecutions for any thing done in the Execution of their Trusts.

XLI. § 18. This Act to continue Five Years, and from thence to the next Sitting of the Assembly.

Nº 18. Officers and Offices.

I. § 1. Preamble complains of Losses that may redound to the Inhabitants, by the Neglect of Officers; and therefore enacts, That the Treasurer, Secretary, and Provost-marshal, or their Deputies, shall not act till they have given Security, to be approved of by the Governor and Council.

II. § 2. The Treasurer's Bond to be for Five thousand Pounds, to make due Accounts of publick Money to the Governor and Council; and to demean himself in all things according to Law.

III. § 3. The Secretary, or his Deputy's Bond shall be for One thousand Pounds, that they shall faithfully perform the Trust reposed in them: *The Acts seem to intend, that the Provost-marshal should give the same Security as the Secretary, but the Words are not plain.*

IV. § 4. Forfeitures are Two-thirds to the Publick, and One-third to the Informer. This Act not to lessen the Prerogative of the Crown.

Nº 64. V. § 1. A Court-house to be built on the Crown Land, adjoining to the Gaol in the Town of *Old Road*.

VI. § 2. The Court-house to contain one Story or Loft, 12 Foot high.

VII. § 3. Governor to appoint Surveyors, who shall buy Materials, and appoint Workmen to build it.

VIII. § 4. All Charges to be defrayed by the publick Treasurer.

IX. § 5. A Plan of the Work, and Estimate of the Charge, to be laid before the Governor, Council, and Assembly, for their Approbation.

X. § 6. All the publick Records of the Island to be kept in that Building, in such respective Offices as shall be directed by the Governor, Council, and Assembly.

XI. § 7. The Secretary's, and all other publick Offices, to be kept at *Old Road*, and no where else, on Penalty of One hundred Pounds for each Officer's Neglect.

By the following Act, passed in 1728. it appears, that this Act had never been put in force, and that it was improper, and therefore it was repealed; but the following Act being enacted not to be in force till confirmed by the Crown, it was thought proper to print both of them.

Nº 76. XII. § 1. Preamble shews Reasons why the Courts and Offices should be transferred from the Town of *Old Road* to the Town of *Basseterre*, and therefore repeals the foregoing Act, and enacts, That the Court-house shall be built in *Basseterre* 60 Foot long, 40 Foot wide, and 22 Foot high, with proper Apartments for the Council, Assembly, and Offices, and to keep the Records in.

XIII. § 2. The Courts of Justice, and all publick Offices are to be kept there, and no where else, on Penalty of Five hundred Pounds for each Officer's Neglect.

XIV. § 3. All Officers to attend in their respective Offices each Day (except Holy-days) from Eight to Twelve in the Forenoon, and from Three to Six in the Evening, on Penalty of Ten Pounds.

XV. § 4. A Tax levied, by a Poll on Slaves, to build this House.

XVI. § 5. Owners of all Slaves to give in a List of them, on Penalty of Ten Pounds.

XVII. § 6. And the Treasurer was to collect the Tax, and distrain for the same.

XVIII. § 7. The Tax was to be paid in Sugar, and the Treasurer to have Five per Cent. for collecting it.

XIX. § 8. The Governor, Council, and Assembly might exempt poor People from paying this Tax.

XX. § 9. A Penalty of One hundred Pounds was laid on Church-wardens, and Justices of the Peace, neglecting their Duty; and Ten Pounds on Constables.

XXI. § 10. The Treasurer was to keep a Register of all Orders about Money lent or furnished upon the Credit of this Act, and such Orders to be discharged in a due Course.

XXII. § 11. The Treasurer was to buy Land to build the House on.

XXIII. § 12. And the Governor was to appoint Persons to manage the Building.

XXIV. § 13. Persons sued for putting this Act in Execution, may plead the General Issue, and give the Act in Evidence.

XXV. § 14. But this Act was not to be in force till confirmed by the Crown, which was done in 1729.

Nº 65. Parishes.

I. § 1. THIS Act fixed the Bounds of the new Parish of *St. Paul Cabesterre*; and enacted, That the same should be subjected to the Act for regulating Vestries, and enjoy all Privileges, in as full a Manner as any other Parish in the Island.

II. § 2. The Parishes of *St. Ann Sandy Point*, and *St. John Cabesterre*, were enlarged also by it.

III. § 3. But this Act was not to be in force any longer than until His Majesty should dispose

dispose of the Lands in the said Quarter: And was repealed by the Act of 1727. for regulating Vestries, &c.

N^o 70. IV. § 1. **B**Y the Act for regulating Vestries, and erecting into Parishes those Parts of the Island formerly belonging to the French, &c. Three former Acts are repealed, relating to Vestries, and Bounds of Parishes: And

V. § 2. The whole Island is now divided into Nine Parishes, called

St. George Basseterre,
Peter Basseterre,
Mary Cayon,
Christ Church Nichola Town,
John Cabesherre,
Paul Cabesherre,
Anne Sandy Point,
Thomas Middle Island,
Trinity Palmetto Point,

which are to be bounded as described in the Act.

In 1733, another Act, N^o 89, was passed for settling and describing more clearly the Limits and Bounds of Parishes, and for amending the foregoing Act, in which the Bounds of all the Nine Parishes are described more largely than in the foregoing Act; but this last Act of 1733, is not to be in force till confirmed by the Crown; and therefore the Acts are both printed, the first being now in force, and the second will be in force when confirmed, which no doubt will be done whenever it is applied for.

N^o 47. Powder Duty.

I. § 1. **P**reamble sets forth the Necessity of having Powder and Arms in the Fort to protect the Shipping; and enacts, That all Masters of Ships, in 48 Hours after their Arrival and unlading any Goods, shall pay One Pound of Powder for every Ton such Ship measures.

II. § 2. Every Vessel of 100 Tons shall furnish a good Firelock or Fuzee, worth Twenty Shillings, and so proportionable for every 100 Tons such Ship shall measure: And all Ships under 100 Tons shall pay Four Pence per Ton; and all odd Measure, above 100 or 200, &c. Tons, shall pay Four Pence per Ton, towards buying small Arms, besides the Powder Duty.

III. § 3. No Vessel shall be cleared by the naval Officer, till the Master produce a Receipt from the Collector for the Payment of these Duties, on Penalty of Five Pounds.

IV. § 4. A Surveyor shall be appointed to measure all Ships, and shall receive Fourteen Shillings for each Ship so measured, of the Master; and shall register such Surveys, and

give Account thereof to the Governor, when required: Provided, no Ship shall pay a second Time for measuring; and that no Vessels bringing live Cattle only from the other Leeward Islands, nor Vessels putting in for Refreshment, shall pay these Duties: And that all Inhabitants shall be exempted from paying the Duty for such Vessels, or Part thereof, as belong to them.

V. § 7. The Collector is allowed Five per Cent. for receiving, and is to account with the Council and Assembly, or a Committee thereof, for what he shall receive or pay every Year, on Penalty of One thousand Pounds.

By an Act of 1725-6, N^o 66, to repeal Part of the foregoing Act, all Ships bringing Provisions, live Stock, &c. from the British Islands to the Leeward of St. Christopher's, are exempted from the foregoing Duties; but the first Act expiring in 1733, was by another Act in 1733 continued to 1744; that continuing Act being repealed, the Duty was sunk; but the Governor was instructed to pass a new Act, with some Amendments, which is not yet transmitted.

N^o 69. Register.

I. § 1. **A**LL Deeds and Conveyances, &c. and all Writs and Devises, whereby Lands or Slaves may be affected, shall be registred, or deemed fraudulent, if pleaded against any subsequent Purchaser or Mortgagee.

II. § 2. No Lands or Hereditaments shall pass from one to another, or take Effect in any other Person, or any Use raised by Sale, Feoffment, Conveyance, &c. except registred in Three Months after making, if in the Island, and in Two Years, if made beyond Sea.

III. § 3. This Act not to affect the Sale of the late French Lands by the Crown; nor any Lease, where the full Rent is reserved, and the Lessee is in Possession.

IV. § 4. All Mortgages to be registred in one Month after made, if in the Island, and in one Year, if made beyond Sea.

V. § 5. All Gifts and Grants of Slaves made to any Person whatever, in Consideration of Blood or natural Affection, shall be void, unless registred in the Time limited before for Sales or Mortgages of Land: And all Deeds made upon the Island, shall be proved before a Judge before they are registred; and all such Deeds made beyond Sea, shall be proved before some Chief Magistrate in the Country where executed.

VI. § 6. The Register Office shall be kept at Basseterre by a fit Person, to be elected by the Governor, Council, and Assembly; and

so

so often as the Office shall be vacant, a new Register shall be in like Manner elected.

VII. § 7. In Cases of Vacancies by Death, the Place shall be executed by the Executors or Administrators of the deceased, with his Sureties, until a new Election; and such Sureties shall so long remain liable.

VIII. § 8. The Register shall indorse a Certificate on every Deed, Conveyance, or Will, of the Time, Book, and Number, when and where registred, which shall be allowed as Evidence in all Courts; and the Books of Register shall have the Time of every Register entred in the Margin of the said Books: And the Register shall keep a Kalendar, referring to every Deed, Conveyance, or Will, that concerns Lands, Hereditaments, or Slaves, with the Names of the Persons, and register them in order as they come to his Hands.

IX. § 9. The Register shall take the Oath prescribed in the Act, and give Two thousand Pounds Security for the faithful Performance of his Duty: And if any Person suffer wrong by the Register, he may bring a *Scire facias* against the Register, and his Sureties; and if contested and tried, and Judgement go against such Register, he shall pay treble Damages to the Party aggrieved.

X. § 10. The Register shall attend at his Office every Day, except Holy-days, from Seven to Twelve in the Forenoon, for the Dispatch of Business; and shall make Searches, and give Certificates under his Hand, if required.

XI. § 11. If the Register shall register any Deed before proved, as aforesaid, or any way neglect his Duty, or suffer any fraudulent Practice in his Office, he shall forfeit his Place, and pay treble Damages to the Person injured; and if the Security fall short of the Damage sustained, the Person damnified may bring an Action of Debt.

XII. § 12. In case the Register die, or surrender his Office, and no Damage appear in Two Years, then his Security shall be discharged.

XIII. § 13. Persons supplying deceased Registers Places, during a Vacancy, shall be sworn, and liable to treble Damages for male Practices.

XIV. § 14. All Writs that shall be registred in Three Months after the Death of the Testator, if he died in the Island, or in Two Years after his Death, if he died beyond Sea, shall be as valid, as if they had been registred immediately after such Testator's Death.

XV. § 15. Provided, That if the Persons interested in the Effects devised by such Will, shall be disabled to register such Will in due Time, he shall be allowed Six Months Time after he shall attain such Will, and the Impediments removed.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
XVI. § 16. Register's Fees for}			
entring 100 Words,	0	01	06
For a Search,	0	04	06
And for a Certificate,	0	04	06

XVII. § 17. This Act to be allowed a publick Act

XVIII. § 18. But not to be in force, till approved by the Crown; which was done in 1728.

Nº 100. Seamen.

I. § 1. **E** *Enacted*, That all Sailors belonging to Ships anchoring in any Road of the Island, who shall absent themselves from their Vessels 48 Hours without Leave, and shall be convicted thereof before a Justice, shall forfeit all their Wages due.

II. § 2. All Sellers of Rum or Rum-punch, or other Liquors, who shall harbour any Sailor belonging to a Vessel at Anchor, after Eight of the Clock at Night, without a Ticket from his Master or Mate; or shall conceal a Sailor; or shall permit any Sailor to stay an Hour after forbid by the Master or Mate; such Seller of Rum or Rum-punch, being convicted before Two Justices, shall forfeit his Licence, and suffer the same Penalties as those that sell Liquors without Licence.

III. § 3. Every Master of a Ship who shall receive a Sailor on Board without a Certificate of Discharge from the last Ship he served in, or Oath made before a Justice, that he doth not belong to any other Vessel, shall forfeit Twenty Pounds; Half to the Master of the Vessel the Sailor left without being discharged, and Half to the Poor of the Parish; to be recovered in any Court of Record.

IV. § 4. Sick Sailors having been often left upon the Island by their Captains, which has brought great Expences upon the Parishes; to prevent this, it is enacted, That it be made Part of the Bond entred into by Masters of Ships in the Secretary's Office, that he shall take care of the Sailors belonging to his Vessel, that they shall not become chargeable to any Parish in the Island within Six Months after the Departure of the Ship, except such Sailors as have a legal Settlement in such Parish; and the Penalty of such Bonds shall be Fifteen hundred Pounds.

V. § 5. This Act was to continue in force but Five Years, and to the next Session of Assembly.

Nº 7. Ships.

I. § 1. **E** *Enacted*, That the Master of every Vessel, or some Person for him, before they trade or land Goods (living Creatures excepted) shall, on Forfeiture of Ship and Cargo, wait on the Governor, and give
C c c Security,

Security, with a Freeholder or Merchant of Ability, in One thousand Pounds, that he shall not carry off any Person without a Ticket, signed by the Governor, nor depart himself with his Vessel without Leave, under Penalty of Fifty Pounds; but not to extend to Wives, and Children under Fourteen Years old: And Masters of Sloops, and smaller Vessels, shall give Security but once a Year.

II. § 2. The naval Officer shall sign no Let-pas or Clearance to the Master of any Vessel, before such Master has entred his Vessel in the Secretary's Office, on Penalty of One hundred Pounds; but Masters of Sloops trading to the Windward of the Island only, shall be excused waiting on the Governor.

III. § 3. Secretary shall not deliver a Ticket, signed or to be signed by the Governor, to any Person to go off the Island, until his Name has been up in the Office 21 Days; unless he take good Security for paying such departing Persons Debts, on Penalty of being liable to satisfy the Creditors: And Masters of Servants or Slaves carried off clandestinely, without having given sufficient Security, shall recover Damages of the Secretary.

IV. § 4. Bonds shall be taken for the Crown; but for the Use of the Persons concerned; and when such Bonds are put in Suit, and Judgement obtained, no Execution shall issue, before the Person aggrieved shall summon the Person against whom the Judgement was obtained, to shew Cause why Execution shall not issue: And if the Plaintiff shall prove Damage, and a Verdict be found for him, the Judge shall award Execution for so much as the Jury shall find; and the former Judgement shall remain cautionary, for Satisfaction of such others as shall prove Damages, and recover, as aforesaid.

V. § 5. Debtors, Servants, or Slaves escaping from the Island, and taken up at Sea, the Master of the Ship, and his Security, shall be liable, as if taken from the Shore.

VI. § 6. Provided, That if the Master make Oath, that he knew nothing of such run-away Servant or Slave, but took them up purely to save Life, and shall take the first Opportunity to return them to their Owners, then the Master and his Security shall be free, and the Owner of such Runaway shall pay the Charge.

VII. § 7. If such Bonds are not sued within Three Years after Date, they shall be declared void.

VIII. § 8. The Governor, on Complaint of any Person underwritten or arrested, may grant a Commission for a Special Court of Expedition to try the Cause, the Plaintiff making Oath, that he is designed off the Island, and cannot stay to the usual Courts: And the Commissioners shall be sworn, and shall summon Parties to appear, and a Jury;

and if the Plaintiff recover, give Judgement, and issue Execution: If an Underwriting appear malicious, he shall pay treble Damages.

IX. § 9. Where a Person has Cause of Action in Damages, and not in Certainty, he may underwrite for a Sum in Gros.

N^o 51. *Servants.*

I. § 1. **E**ntailed, That every Servant by Indenture, who shall absent himself from his Master's Service, shall for every Day's Absence serve Two Days after his Indenture is expired.

II. § 2. No Person to entertain any Man or Woman above one Night, unless known to be free, on Penalty of Twenty Shillings per Night; and if known to be a Servant, and do wilfully entertain such Servant, then to forfeit Three Pounds for every Day or Night he shall so entertain such Servant, to the Master of the Servant: And if a Freeman, Labourer, or Servant, hide a Servant of another Master's, and be not able to give Security to stand an Action of Law, then to suffer such Punishment as shall be adjudged by Two Justices.

III. § 3. Suspected Persons entring any Plantation, may be apprehended and brought to the next Constable, who is required to receive him, on Penalty of Forty Shillings, and to convey him to the common Gaol, or to his Master, for which he shall have Ten Shillings, and One Shilling per Mile for travelling Charges; to be paid by the Provost-marshal, or Master respectively; and if the Master refuse to pay the said Fee, it shall be levied by Warrant from a Justice; and if the Provost-marshal refuse to receive such Servant at the Gaol, or to pay the Constable's aforesaid Fee, he shall forfeit Five Pounds, to be recovered in any Court; and the Master of such Servant shall reimburse the Marshal, and pay the Fees of Imprisonment, before his Servant be delivered to him.

IV. § 4. All Servants imprisoned for their own Offences, shall serve their Masters double the Time, after the Expiration of their Time of Servitude, as they lay in Gaol, and such further Time as shall be adjudged by Two Justices, for Satisfaction of Fees, and other Expences the Master hath been at for him.

V. § 5. If any Person keeping a publick House, shall suffer a Servant to be drunk, or loiter away his Time at his House, he shall be indicted at the Sessions, and fined at the Justice's Discretion.

VI. § 6. If any Servant assault his Master, Mistress, or Overseer, he shall suffer One Year's Imprisonment, or less, at the Justice's Discretion, or such further Punishment, not to

to extend to Life or Limb, as the Justices in Sessions shall think proper.

VII. § 7. And to encourage Servants to do their Duty, all those who by Agreement are to serve for Clothes and Diet, shall be allowed Four Shirts, Four Pair of Breeches, and Four Waistcoats, Four Pair of Shoes, Three Pair of Hose, Two Hats, Two Neck-clothes, Two Handkerchiefs, and One Coat; and Women-servants proportionable; and each faithful Servant shall be paid Four Pounds at the End of their Time, if Four Years, or more; and in the Time of their Servitude shall be allowed a Pound and a Half of salt Beef, with Bread, &c. *per Day*.

VIII. § 8. All Differences in point of Wages between Masters and Servants, by Covenant for yearly Wages, or Overseers, Labourers, or Artificers, by Contract, for Work done, shall be determined by Two Justices of the Peace, who shall hear the Cause of Complaint, and issue Execution thereon, by Warrant for any Sum not above Thirty Pounds, directed to the Provost-marshal, who shall, on Penalty of Three Pounds, levy on the Goods of the Debtor; and make Sale thereof at Outery at the nearest Town, returning the Overplus, if any, to the Owner.

IX. § 9. Masters shall not remit a sick Servant's Time, to be cleared of him, nor turn off any such Servant, whereby he may perish for want, or become chargeable to the Parish; but shall use all lawful Means for the Recovery of such sick Servant, on Penalty of Fifteen Pounds; to be levied by a Justice's Warrant, for the Use of such sick Servant, and the Servant shall be freed from his Master; but in case the Servant shall not live to spend the whole Sum, then the Remainder shall be to the other Poor of that Parish.

X. § 10. Provided, if any Servant, through his own wilful Misbehaviour, have any Disease, broken Bones, Bruises, or other Impediment, whereby he is disabled to do his Duty, and become chargeable to his Master, he shall serve his Master, after the Expiration of his Time, an equal Space of Time, as he was disabled: And in case of Refusal, a Justice of the Peace may commit him to the common Gaol, to be kept with Bread and Water for the like Time.

XI. § 11. Complaints of Masters against Servants, or Servants against Masters, shall be heard by a Justice of Peace, who shall take such Order therein, as the Equity of the Case shall require; and if the Justice cannot agree the Matter between them, then he shall bind the Master to appear at the next Sessions, or before the Governor and Council, where, upon hearing, if it be thought fit to discharge such Servant of further Service, then such Justices, not less than Four, or the Governor and Council, have Power to do it accordingly; but if the Fault be

found to be in the Servant, then the Justice^s in Sessions, or the Governor and Council, shall cause such Punishment to be given to the Servant as they think fit.

XII. § 12. If any Master of a Vessel import more Servants than he can sell, he may offer them to the Treasurer; who is required, under Penalty of Five Pounds, to receive such Servants, being *British* Subjects and Protestants, and to pay Fifteen Pounds for the same to such Master, out of the publick Stock, for every able Man-servant to serve Four Years, or more.

XIII. § 13. The Treasurer having received such Servants, shall assign them over to any Planters who have not their sufficient Number of Servants or Men in Arms, as are required by Law; who is obliged to receive such Servant, and to pay to the Treasurer Eighteen Pounds, and reasonable Charges for keeping: And if any Person, without reasonable Cause, refuse to receive such Servant, and to pay the said Eighteen Pounds, and Charges, then the Treasurer shall by Warrant levy the same on the Goods of the Person so refusing.

XIV. § 14. All Fines to be levied by virtue of this Act, shall be levied by the Governor's Warrant to the Provost-marshal, who shall execute the same, on Penalty of double the Sum: And such Fines as are not by this Act applied, are to be paid to the Treasurer; to be applied to the Use of the Fortifications: And the Treasurer, on Penalty of Five Pounds, shall notify to the Governor what Sums he receives, within Three Days after such Receipt.

Nº 2. Slaves.

I. § 1. **E** *Enacted*, That it shall be lawful for any Justice of Peace, on Complaint of Felonies or Crimes committed by Slaves, to issue a Warrant for apprehending the Offenders; and in Three Days after their being in Custody, with the Assistance of another Justice, without a Jury, to try and award Pains, as to Life or Limb, and cause Execution, or other Punishment, by Warrant under their Hands and Seals, regulating themselves according to the Practice of the Courts of *England* in Criminal Cases.

II. § 2. If any Person carry a Slave off the Island that is not his own, or whom he is not lawfully possessed of, he shall be guilty of Felony, without Benefit of Clergy.

III. § 3. Every Person trading with Slaves for any Goods, Merchandize, Stock, or Poultry, without Consent of the Slave's Master, shall be bound to his good Behaviour, and to appear at the next Sessions, and be there fined, not above Twenty Pounds, or double the Value of the Goods bought.

IV. § 4. If

IV. § 4. If any Slave oppose or strike a white Person, on Complaint to a Justice, the Slave shall be whipt at the Justice's Discretion; and if the white Person be hurt, bruised, or maimed, then the Slave shall suffer Death, or such other Punishment as Two Justices shall judge fit.

V. § 5. Every Person entertaining Slaves not his own, being Runaways, above 24 Hours, and not giving Notice to the Owner, if known, shall forfeit to the Owner Twelve Shillings a Day for a Field Negro, and Twenty Shillings if a Tradesman; but if the Owner be not known, then the Party that has the Slave, shall carry him to the Provost-marshal, who shall receive him, and pay the Bringer Twelve Shillings for taking such Slave up, and Nine Pence for each Mile brought to the Gaol; and the Marshal shall keep the Slave, and put up his Name, Age, or other Description, on the Prison-door, or other publick Place; and if the Marshal shall refuse or neglect to do his Duty, he shall forfeit Six Pounds.

VI. § 6. If the Marshal shall suffer such Slaves to escape, or put them to work, he shall forfeit for every Day's Absence Twenty Shillings: And if any Slave perish for want of Provisions, he shall forfeit Fifty Pounds to the Owner.

VII. § 7. The Marshal, upon the Delivery of a Slave to his Owner, shall receive the Twelve Shillings paid for taking, and the Nine Pence *per* Mile, and Twelve Pence *per* Day for keeping: And if any Slave lie Three Months in Prison, he shall be sold at publick Outcry for the Fees and Charges, by Warrant from Two Justices, and the Overplus to the Owner, if known, otherwise to the Publick, till the Owner shall appear, to whom the Treasurer shall pay what remains; and the Marshal shall give Notice to the Justices when Three Months are expired, for such Slave, or forfeit Four Pounds.

VIII. § 8. If any Person shall kill a Slave in the just Defence of his Person or Property, or in Pursuit, if run away, or broke out of Prison, and resisting or refusing to submit; such Person shall not be prosecuted for the same, either in Law or Equity.

IX. § 9. When any Negroes shall be taken, and condemned for a Crime, they shall, before Execution, be valued and appraised by Two Freeholders, by Warrant from Two Justices; but the Appraisers shall not value any Slave at above Five thousand Pounds of Sugar; and in case of Lameness, or other Incapacity of Service, then the Valuation to be less, according to their Skill and Judgment on Oath.

X. § 10. That an equal Distribution may be made between the Parties Sufferers, of the Value of such Slave, when such Slave is executed, the Treasurer shall pay Three

thousand Pounds of Sugar to the Owner of the Slave, and Two thousand Pounds to the Person robbed or damaged.

XI. § 11. Provided the Damage done by such executed Slave amount to Two thousand Pounds of Sugar, otherwise the Surplus shall go to the Owner of the Slave executed.

XII. § 12. To prevent the Neglect of executing condemned Slaves, the Marshal, on Notice when and where Execution is to be done, shall not fail to discharge his Duty, on Penalty of Ten Pounds, to be levied by the next Justice's Warrant; and for want of Distress, the Marshal to be committed to the publick Gaol: And for every such Execution the Marshal shall be paid Five hundred Pounds of Sugar, out of the Value of the Slave: And in the Absence of the Marshal, whoever does execute such Criminal, shall receive the Benefit of the Five hundred Pounds of Sugar; to be levied as aforesaid.

XIII. § 13. To prevent Slaves escaping, every Slave committing a Felony, and absenting himself Four Hours after the Crime committed, such Slave is declared outlawed; and if the Owner hinder the Slave from being brought to Trial, he shall not receive any Benefit by this Act, if his Slave be brought to Trial by any other Means: And if any Person shall send off a Negro that hath killed another, he shall pay the Owner of the Negro killed, as aforesaid.

XIV. § 14. No Retailer of Strong-liquors shall on any Holy-day sell such Liquors to any Slave, on Penalty of Three Pounds: And all Justices of Peace, and Constables are to disperse all unusual Concourses of Negroes about the Towns, or elsewhere, on *Sundays* or Holy-days; and to take up all Negroes found armed with Weapons, or playing at Dice, or other unlawful Sports, or drinking in publick Houses; and such Negroes shall be publicly whipt.

XV. § 15. And to provide for difficult Cases, the Justices in their Sessions may make such further Orders and Regulations, as shall be necessary for the better Government of Slaves.

XVI. § 16. Sundry Slaves having at that Time deserted their Masters, and absconded into the late *French* Lands, with intent to go over to the Enemy; therefore a large Encouragement was enacted to be paid to such Persons, as should take and secure any of them, which is now obsolete.

XVII. § 17. If any Justice of the Peace neglect his Duty, he shall forfeit Twenty Pounds; to be sued for in any Court in the Island.

XVIII. § 18. And when the Provost-marshal or Constable neglects, and where no Penalty is otherwise mentioned, the Justice, before whom the Matter lies, shall fine him, not

not exceeding Ten Pounds: And all Penalties arising by this Act, shall be levied by Warrant of Two Justices, and sold at publick Outcry: And the Fines to be Half to the Informer, and Half to the Fortifications of the Island.

N^o 52. XIX. § 1. & 2. **P**reamble complains of the Deficiency of the former Act for the Government of Slaves, and the Dangers arising from several Slaves then in Rebellion; and therefore attaints Three of them, and grants a Reward for apprehending or killing of them.

XX. § 3. All Slaves, who after they have been Twelve Months upon the Island, shall desert their Service, are declared Felons.

XXI. § 4. A Clause of general Pardon for Slaves then in Rebellion, in case of their returning to their Masters.

XXII. § 5. A Reward of Six Pounds to be paid for apprehending or killing any runaway Slave, who has been absent from his Master's Service Six Months in one continued Space of Time.

XXIII. § 6. Every Slave entertaining or concealing a runaway Slave, knowing him to be so, shall for the first Offence be publicly whipt, not exceeding Fifty Stripes; for the second Offence, One hundred Stripes; for the third Offence, One hundred and fifty Stripes; and so for each After-offence.

XXIV. § 7. Every free Person knowing a Slave to be run away, and shall entertain or conceal him, shall forfeit for the first Offence Ten Pounds; for the second Offence double, and Six Months Imprisonment; and for the third Offence One hundred Pounds, and One Year's Imprisonment, and be liable to pay for any such Offence to the Owner of such runaway Slave such Sums as are in the last foregoing Act, which Act is hereby declared to be in Force.

XXV. § 8. Slaves attainted by this Act, when taken, shall be executed by Warrant from any Two Justices of the Peace: And all Slaves tried, and adjudged guilty of Felony by virtue of this Act, shall, before Execution, be valued and appraised; to be paid for by the Treasurer, as directed by the foregoing Act: And in all Trials of Slaves, the Justices shall hear the Evidence of any other Slave, and give Credit thereto, at their Discretion.

XXVI. § 9. For the better apprehending of runaway Slaves, the Master of such Slave, or any other Person by his Direction, may enter any Negro-house by Night or Day, to search for such Runaway, without any Warrant.

XXVII. § 10. If any Slave absent himself from his Master's Service above Six Months, or shall wilfully murder any Christian or Slave belonging to his own Master, and the Master neglect to prosecute him, and any other Per-

son do prosecute, and the Slave be convicted, the Master shall pay the full Value of the Slave to the Person prosecuting, and not receive it from the Treasurer.

XXVIII. § 11. For the more speedy enforcing the Payment of such Forfeitures, any Justice may issue his Warrant to Two Persons, to appraise a Slave convicted as aforesaid; and another Warrant to the Marshal or Constable, to levy the same upon the Goods of such Master, and to pay the same to the Person prosecuting as aforesaid.

XXIX. § 12. No Master shall give his Slaves Leave to go out of his Plantation on *Sundays*, except such as wait on him, or with a Ticket, specifying the Time allowed: And if any Master find a Slave on his Plantation without a Ticket, or Business from his Owner, and does not whip him, he shall forfeit Twelve Shillings.

XXX. § 13. Any white or free Person may apprehend any Slave found out of his Master's Plantation, especially on *Saturday Nights*, *Sundays*, and Holy-days, not being on his Master's Business, nor having a Ticket, or a white Man with him, and may whip such Slave; and if such Slave be armed with mischievous Weapons, he may be taken up, disarmed, and whipt.

XXXI. § 14. Every Master suffering his Slaves to beat Drums, or use any other loud Instruments, or publick Meetings or Feastings of strange Negroes in his Plantation, shall forfeit Twenty Pounds for each Offence: Provided Information be made within a Month after the Offence committed.

XXXII. § 15. And every Master of a Family shall, under Penalty of Twenty Shillings, cause all his Negro-houses to be searched once a Fortnight, for runaway Slaves, or mischievous Weapons, or Goods dishonestly come by; and what they find, they shall seize, and give Notice thereof to the Clerk or Constable of the Parish, who shall set up a Notice of it on the Church Door; and the Loser describing the Goods, shall have them again without Charge.

XXXIII. § 16. Such Christians as shall apprehend, or bring a runaway Slave to the Provost-marshal, shall deliver upon Oath an Account when and where he apprehended such Slave, and that he knew of no Ticket he had; and the Gaoler redelivering such Slave, shall take a Receipt of the Person to whom delivered, with a Description of such Slave.

XXXIV. § 17. If the Commanding Officer of the Island have Notice of the Residence of any runaway Slaves, he may raise and arm Soldiers to apprehend or kill them: Soldiers refusing to go in quest of such Runaways, shall forfeit Thirty Shillings: And whoever shall take a runaway Slave, who has been absent from his Master Two Months, shall have a Reward of Eight and twenty Shillings; to be paid by the Owner of the Negro, if deli-

vered to him, or by the Marshal, if delivered at the Gaol.

XXXV. § 18. Any Slave discovering a Design of Mutiny or Rebellion, or Preparation of Arms, other than what is allowed of for watching, to a Justice of Peace, such Justice, with another Justice, shall cause the Slave accused to be apprehended, and if they find the Accusation just, the Slave shall be tried as for Murder, and if he be condemned, he shall be appraised, as by the foregoing Act is directed; and the Slave giving the Information, shall be paid Three Pounds: But if any Slave so accusing other Slaves, shall not make good his Accusation, then such Accuser shall be punished, not extending to Life or Member, at the Justices Discretion.

XXXVI. § 19. If any Person buy Goods from any Slave, except the Slave have a Ticket for that Purpose from his Master, such Buyer being convicted of such Crime, under Twenty Shillings, shall suffer Six Months Imprisonment, and if above Twenty Shillings Value, declared guilty of Felony.

XXXVII. § 20. One Moiety of all Penalties arising by this Act, shall be to the Publick, the other to the Informer; to be levied by Warrant from a Justice of Peace, directed to the Provost-marshal, or a Constable.

XXXVIII. § 21. Persons prosecuted for doing their Duty in pursuance of these Acts, may plead the General Issue, and give this Act in Evidence: And all Courts shall allow both the Acts to be publick Acts.

Nº 90. Sugars. — Taxes.

IT shall be lawful for the Treasurer to pay away such Sugars as he hath already received, or may hereafter receive, at the current Price that Sugar at the Time of the Publication of this Act generally is received and paid in this Island; and the Treasurer, upon account of such Payments by him made or to be made, is hereby indemnified and discharged.

Nº 6. Trespasses.

I. § 1. **E** *Enacted*, That all Owners of Land shall keep in good Repair a sufficient Fence on the Eastward or Windward Side, and at the Head of all their Lands, and also to all common Paths or Highways running through the said Lands, on Penalty of Fifty Pounds, and be excluded Satisfaction for Damage sustained by Trespasses during such Neglect.

II. § 2. Every Person breaking down, destroying, or carrying away Rails or Fences, on Conviction before a Justice, shall be fined at the Justice's Discretion; and on Non-appearance, to suffer Corporal Punishment: And if any Cattle shall break down Fences, the Owner of such Cattle is obliged to repair the

same, and pay the Damages to be adjudged by Two Neighbours impowered by a Justice's Warrant: And in case such Persons so appointed shall neglect to appear, or refuse to perform the Service, without reasonable Excuse, each Neglector shall forfeit Twenty Shillings: And every Person refusing to make such Satisfaction for Damages, as shall be determined, with Charges, not above Six Pounds, the Justice may issue his Warrant of Distress on the Offender's Goods; to be sold at Outcry: If the Damage be above Six Pounds, it shall be recovered by Action of Trespass.

III. § 3. For securing Stock taken up for trespassing, every Person's private Pen shall be used instead of a Pound; and such as have no Pen, may secure them as they can; provided they forthwith give Notice to the Owner.

IV. § 4. All Persons impounding Stock, shall have for every Horse, Cattle, Mule, or Ass of any Age, Twelve Pence; for every Sheep, Three Pence, for every 24 Hours keeping; the Detainer to find sufficient Water and Provender for each Beast so secured.

V. § 5. All Masters or Servants may kill Hogs or Goats, after Notice given; Half in Recompence for Damage, and the other Half to the Owner: And the Inhabitants in the Towns may kill all such Swine as shall commit Trespasses by getting into Houses or Backsides.

VI. § 6. Persons forcibly taking away trespassing Stock out of the Pen or Pound, may be sued in an Action of Trespass; and if a Slave, he shall be punished at the Discretion of a Justice.

VII. § 7. If any Person shall commence an Action in a Court of Record against the Provost-marshal, or his Deputy, for executing his Office according to this Act, he shall plead the General Issue, and give the Act in Evidence, which shall bar the Action.

Nº 10. Vestries.

I. § 1. **E** *Enacted*, That the Freeholders and Householdors of every Parish shall meet in *Easter-week* yearly, and choose Six Vestrymen, who, with the Minister, shall choose Two Church-wardens, the Vestry One, and the Minister the other.

II. § 2. Church-wardens and Vestry shall manage all Parish Business, settle Rules, and assess Rates, and settle Fees of the Ministers, Clerks, and Sextons; also build Churches, and perform all other Duties belonging to their Office: Rates by them made, being published, shall be deemed firm; and Persons refusing to pay, Execution, under the Hand and Seal of the Governor, to be granted for levying the same; and the Goods attached, to be sold at the Church-yard Gate by the Church-wardens, returning the Overplus to the Owner.

III. § 3. For want of Ministers in some Parishes, Church-wardens and Vestries have not been

been chosen in *Easter-week*; but for the future, if a Minister be presented to a Parish where there are no Church-wardens or Vestry, then the next Justice shall summon the Freeholders and Housholders to elect them, as aforesaid, till the *Easter* following.

IV. § 4. Every Parish shall have Two Books, One for Parish Accounts, the other for a Register of Marriages, Births, and Burials: And the Church-wardens shall balance Accounts with the Vestry, when discharged their Office.

V. § 5. No Person shall be compelled to serve Church-warden longer than One Year: And Defaults of Church-wardens in neglecting to collect Rates, shall be made good by themselves; provided Execution be lodged in their Hands for that Purpose; and in case of their Neglect, the same shall be levied on their Goods.

VI. § 6. Minister and Churchwardens, or any of them, may summon Vestries, to consult about Parish Affairs: And all Vestrymen, or other Officers neglecting to appear, upon Notice given at their Houses, unless excused by the Vestry, shall forfeit Twelve Shillings to the Poor; to be levied by a Justice's Warrant to a Constable.

VII. § 7. Persons elected for Church-wardens or Vestrymen, and refusing to serve, shall forfeit Twelve Pounds; to be recovered by the Church-wardens in an Action of Debt in a Court of Record, towards defraying Parish Charges.

N^o 70. VIII. § 3. **V**estrymen and Churchwardens are to be chosen in each Parish yearly, in *Easter-week*.

IX. § 4. Who are to manage all Parish Business, to settle Rules, assess Rates, settle Salaries, Fees, and Perquisites of Ministers, Clerks, and Sextons; erect and repair Churches, &c.

X. § 5. Two Justices are impowered to levy Parish Rates, by Warrant, directed to the Provost-marshal, upon the Goods of the Persons refusing to pay, if convicted on hearing.

XI. § 6. But any Person over-rated, may in Six Days after the Goods are attached, give Notice to the Church-wardens, and enter into a Recognizance before a Justice, to appear at the Court of King's-bench, and justify his Appeal, and he shall have his Goods returned; but if Judgement go against him, he shall pay double Costs.

XII. § 7. If the Provost-marshal neglect his Duty, he shall forfeit Five Pounds: And all Fines shall be paid to the Church-wardens, for the Use of the Parish.

XIII. § 8. All former Acts for regulating Vestries are hereby repealed.

XIV. § 9. If the Parishioners shall neglect

to meet in *Easter-week*, to choose a new Vestry, the old one shall continue: And if a Minister shall be presented to a Parish where there are no Church-wardens or Vestrymen ready chosen, a Justice of Peace shall summon the Freeholders to choose a Vestry and Churchwardens, who shall act till the *Easter* following.

XV. § 10. Every Parish shall have Two Books, One for the Parish Accounts, the other for a Register of Births, Marriages, and Burials: And the Church-wardens shall balance their Accounts with the Vestry, on Penalty of Fifty Pounds, and deliver their Books fair and intire to their Successors, on Penalty of One hundred Pounds.

XVI. § 11. Church-wardens to lay their Accounts before the Vestry, when required, on Penalty of Fifty Pounds.

XVII. § 12. No Person shall be compelled to serve Church-warden above a Year; but if he neglect to collect Parish Rates, he shall pay them himself.

XVIII. § 13. Parsons shall and may demand a Salary of 16,000*lb.* weight of Sugar yearly, or more, if before allowed by the Vestry.

XIX. § 14. If there is no Parsonage-house, the Parson may demand Twenty five Pounds a Year for Rent, provided he reside in the Parish.

XX. § 15. On Default of paying the Parson his Salary, additional Salary, or House-rent, the Justices, by Warrant to the Provost-marshal, may summon the Church-wardens to shew Cause why it is not paid; and if it appear to be their Neglect, the Justices may by another Warrant levy the same on the Churchwardens: And if the Provost-marshal neglect his Duty, he shall forfeit Twenty Pounds to the Parson.

XXI. § 16. If the Parson or Churchwardens think themselves aggrieved by the Justices, they may appeal to the King's bench.

XXII. § 17. Minister or Churchwardens may summon Vestries; and every Vestryman neglecting to appear, shall forfeit Twenty Shillings; and if he refuses to pay it, he shall be committed to Gaol till he do pay it.

XXIII. § 18. Every Person elected Vestryman or Church-warden, and refusing to serve, forfeits Twelve Pounds to the Parish.

XXIV. § 19. Inhabitants neglecting to make a Return of their Land or Slaves, for paying any Parish Levy, forfeits Ten Pounds.

XXV. § 20. Persons sued for putting this Act in Execution, may plead the General Issue, and give the Act in Evidence.

XXVI. § 21. Parsons shall register Christnings, Marriages, and Funerals, for Twelve Pence each, on Penalty of Five Pounds for each Neglect; to be deducted out of his Salary, for the Use of the Poor.

The following is an ABSTRACT of the ACTS (N^o 104, &c.) not come to Hand when the foregoing ABRIDGMENT was printed off.

N^o 105. *Brimstone-hill*. *

I. § 1. **P**ersons having neglected to build Houses on *Brimstone-hill*, or in other Fortifications, in pursuance of former Acts, this Act provides Relief, and allows the Commander in Chief on the Island for the time being to lay out Lots for any of the Inhabitants of the Island to build Houses on, and to hold the same for ever at a Pepper Corn Rent.

II. § 2. Provided none have more than 24 Foot in Front, nor above 60 Foot deep, to be built with Stone or boarded, and with shingled or tiled Roofs, not thatched; and built within Three Years from the Date of the Act.

III. § 3. Provided that none but Inhabitants or Freeholders on the Island shall be allowed to build such Houses.

* *Vide more under this Head in p. 171, &c.*

N^o 110. Courts. †

I. § 1. **W**HEN any Suit is brought into Court, and there are Demands and Credits between the Plaintiff and Defendant depending, the Defendant may plead the General Issue, and deliver his Account against the Plaintiff, which Account, on due Proof thereof, shall be allowed against the Demand of the Plaintiff, and Judgement shall be awarded for the Plaintiff or Defendant as the Balance shall be found due on either Side, with Costs of Suit.

II. § 2. If the Defendant neglect to deliver to the Plaintiff his Plea and Account against the Plaintiff in 14 Days before the second Court next after the Entry of Action, then he shall not be admitted to deliver or plead it on Trial against the Plaintiff.

† *Vide more under this Head in p. 172, &c.*

N^o 112. Court Merchant.

I. § 1. **U**PON any Person's arriving in the Island, and making Oath of his designing to depart the Island, and that the Goods sold, for which he desires a Court may be called, in order to recover his Debt, do not belong to any Person resident in the Island,

the Judge shall call a Court in Four Days, and publish it, and the Plaintiff shall file a Declaration, and annex it to the Writ of Summons to be served on the Defendant Two Days before Court; and if the Defendant make Default of Appearance, or joining of Issue, or pleading some good Matter in bar, Abatement, or Demurr, Judgement shall be entered against the Defendant; but if the Defendant join Issue, plead, or demurr, then a Day shall be given for Trial, and Proceedings shall be had as directed in the Act.

II. § 2. If any Person continue above Six Months together upon the Island, he shall be deemed a Resident, and not allowed the Benefit of this Act.

III. § 3. When Goods of the Produce of the Island are taken in Execution, they shall be appraised in the Manner prescribed in this Act, and then delivered to the Plaintiff in Payment of his Debt, returning the Overplus, if any, to the Defendant.

IV. § 4. If any Appraisers or Umpires duly appointed, refuse to act, they shall forfeit Twenty Pounds, and others shall be appointed in their Room, who shall be under the same Penalties.

V. § 5. Merchantable Commodities of the Produce of the Island brought to a legal paying Place, and Four Days Notice given, shall be a good Tender, provided the Price be approved by the Jury that tries the Cause.

VI. § 6. The Chief Justice, &c. may hold a Court, and try all Actions for Merchandizes, not above One hundred Pounds, which shall be prosecuted by a Transient Person against a Resident, *et per contra*.

VII. § 7. The same Fees shall be taken as by the old Docket, except on Trials by Jury, and then the Plaintiff shall lay down Forty two Shillings for the Jury, and shall be allowed it in his Costs.

VIII. § 8. If a Resident call a Court to prosecute a Transient Person, he shall not be obliged to take the Oath as a Transient Person is when Plaintiff, but may oblige a Transient Person to give Bail, and such Plaintiff shall file his Declaration Two Days before Court, and shall not be obliged to any other Service.

IX. § 9. All Trials not above Ten Pounds shall be determined without a Jury; and no more Fees taken than for Complaints in the Courts of King's Bench and Common Pleas.

X. § 10.

X. § 10. All Courts Merchant called by virtue of this Act shall be held in the Town nearest to the Defendant.

XI. § 11. The Court shall be a Court of Record: And Jurors making Default of Appearance may be fined, not above Forty Shillings.

N^o 108. *Hawking.* *

I. § 1. & 2. **N**O Person shall be allowed to hawk Goods for Sale in any Part of the Island, on Penalty of One hundred Pounds, and Loss of the Goods exposed to Sale.

II. § 3. Any Person may apprehend and carry before a Justice any white Person or Slave found hawking of Goods; and the Justice shall summon any Person suspected to be the Owner of such Goods, or to be capable of discovering who is the Owner, and on Conviction the Goods shall be forfeited to the Informer, and the Offender forfeits One hundred Pounds.

III. § 4. Poor Persons convicted, and not able to pay the Fine, shall lie in Gaol Six Months; and if the Owner of the Goods be not discovered, then only the Goods shall be forfeited to the Seizer.

IV. § 5. All Money arising by the Forfeitures on this Act shall be for the Use of the Island.

V. § 7. This Act shall not hinder the hawking of Provisions, or other Produce of the Island.

* *Vide more relating to Hawking in p. 178.*

N^o 111. *Highways.* †

I. § 1. **T**HE forementioned Act, N^o 14, is repealed by this Act.

II. § 2. Two Justices of Peace shall meet in January yearly, and appoint in each Parish Two Waywardens, who shall take the Office upon them, and in Ten Days take the Oath prescribed in the Act.

III. § 3. Every Justice neglecting his Duty, shall forfeit Twenty Pounds.

IV. § 4. Waywardens neglecting shall forfeit also Twenty Pounds, and another shall be appointed, who for Neglect shall also forfeit Twenty Pounds.

V. § 5. No Person shall be obliged to serve Waywarden twice, if there be other Parishioners qualified, who have not served the Office once, or fined for it. Persons aggrieved may appeal to the Governor and Council.

VI. § 6. If a Waywarden die or leave the Parish, or by any other Means a Waywarden is wanted, then Two Justices shall appoint another Person to serve that Office (until new ones are chose as usual) under the same Penalties.

VII. § 7. Waywardens in Ten Days after sworn in, and in Three Days after great Rains,

shall order the Constables to summon the Inhabitants to send a Proportion of Slaves to work on such Highways as the Waywardens shall direct; and Justices shall deliver Lists of Slaves to the Surveyors.

VIII. § 8. Every Person summoned (except Women) shall attend in Person with their Slaves, or send a white Driver, to mend the Highways; and the Slaves shall carry Tools with them.

IX. § 9. Persons summoned to mend Highways shall have 36 Hours Notice; and if they neglect they shall forfeit Six Shillings a Day for a white Person, and Three Shillings a Day for a Slave.

X. § 10. Owners of no more than Four Slaves shall attend themselves without Slaves.

XI. § 11. Lists of Defaulters are to be sent to the Governor and Council; and the Provost-marshal by the Governor's Warrant shall levy the Fines: And Negroes summoned shall continue working till all the Highways are finished.

XII. § 12. Waywardens shall make Drains or Sluices for carrying off Water: Waywardens may appoint neighbour Planters to mend small Faults in Highways, and abate them in Proportion in general Repairs.

XIII. § 13. Highways become impaired may be turned through adjacent Lands, and the Damages appraised, and paid for by the Publick.

XIV. § 14. Slaves killed or damaged by working on the Highways, shall be appraised, and paid for by the Publick.

XV. § 15. The lower Highway shall be 30 Foot wide, the upper 12 Foot, where practicable, and where not, it shall be kept to its old Breadth; and all other Highways shall be kept amended to their usual Breadth: And none to be deemed Highways but what had been used within Seven Years before the Date of the Act: And all Highways shall be kept to the before mentioned Extents.

XVI. § 16. A certain Path herein described shall remain as allowed by the Commissioners for the Sale of the French Lands.

XVII. § 17. Persons encroaching on Highways with their Fences, or not trimming their Fences, so as to prevent Nuisances, or that shall cause Nuisances in the Highways, the Surveyors shall give them Notice thereof, and if the Nuisance be not removed in 14 Days, the Defaulter shall forfeit Ten Pounds; and the Surveyors shall amend it the next general Repair, and lay such Fences waste that the Path may be of its just Breadth.

XVIII. § 18. If Two Owners of Land join to one Highway where a Fault is, the Neighbours shall judge who is in Fault, and liable to the Penalty.

XIX. § 19. Persons feeding Cattle in Highways, shall forfeit Three Shillings per Head.

XX. § 20. The Highway through the Mountains shall be Eight Foot wide, and shall be repaired

E e e

paired by the Parishes of *Nichola Town*, and *St. Thomas Middle Island*.

XXI. § 21. The Waywardens may agree with the Planter who is in the Possession of the Plantations through which the last mentioned Highways pass, to repair the same.

XXII. § 20. Where any Person wants a Path through another's Land, he shall have it upon paying Damage at an appraised Value, set by the Waywardens and Two Freeholders.

XXIII. § 23. Provided no Person shall have Two private Paths through another's Land at the same Time.

XXIV. § 24. Constables neglecting their Duty, or Persons obstructing them or the Waywardens, shall forfeit Five Pounds.

XXV. § 25. All Paths to Rivers shall be kept open Six Foot wide; and any Person stopping such Paths, shall forfeit Five Shillings; but not to extend to Persons who have a real Property in any River.

XXVI. § 26. Every Person throwing Dung or Filth, or making Sinks in the Streets of any of the Towns of the Island, and not removing the same on Notice given, shall forfeit Five Pounds.

XXVII. § 27. Every Person cutting down Woods within 40 Yards of Springs or Heads of Rivers, shall forfeit Ten Pounds. And if any Waywarden neglect his Duty by suffering the Roads to lie unrepaired, he shall be proceeded against at Quarter Sessions according to the Discretion of the Court.

XXVIII. § 28. All Fines arising by this Act, and not otherwise disposed of, shall be to the

Use of the Parish where the Offence is committed: And where Money is wanting to repair the Highways, the Waywardens are to pay it, and shall be reimbursed by the Parish. And if any Person is sued for anything done by virtue of this Act, he may plead the General Issue; and if Judgement go for him, the Plaintiff shall pay Treble Costs of Suit.

XXIX. § 29. This Act shall be esteemed a General Act.

XXX. § 30. This Act not in Force until confirmed by the Crown, and then it is to be perpetual.

• *Vide more Highways in p. 178.*

N^o 108. Lotteries. †

§ 6. **N**O Person shall make or set up any Office or Sale of Goods by way of Lot, Ticket, or Chance, or publish any Scheme for advancing small Sums of Money by Chances, or procure the same to be done, on Penalty of One hundred Pounds.

† *Vide more under this Head in p. 183.*

N^o 104. Marriages.

ALL Persons intending to be married shall be Three times called in the Church on Three Sundays or Holy-days, or take out a Licence before Marriage, on Penalty of One hundred Pounds upon the Parson; Half to the Informer, and Half to the Poor.

F I N I S.